



Development Code of the City of Beaverton

Ordinance 2050 adopted October 20, 1978

Date of this printing: January 2007

Effective through: Ordinance 4414



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ORDINANCE No. 2050

**AN ORDINANCE
ESTABLISHING THE ZONING STANDARDS, REGULATIONS
AND PROCEDURES;
PROVIDING RELATED DEVELOPMENT REQUIREMENTS;
PROVIDING PENALTIES: AND
REPEALING ORDINANCE NO. 550 AND ALL AMENDMENTS
THERE TO.**

THE CITY OF BEAVERTON DOES ORDAIN AS FOLLOWS:

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Chapter 70 RESERVED

Chapter 80 RESERVED

This chapter contains definitions for words and terms used in the Development Code. These definitions shall take precedence in any interpretation of the Development Code and the meaning of the words or terms used therein. Any word or term not defined in this section shall first be used as defined by ORS or OAR and as applicable to this Code, and secondly as defined by "Webster's Third New International Dictionary", copyright 1993. Copies of this dictionary are available for reference at the Community Development Department, the City Attorney's Office and the City Main Library.

CHAPTER 10 - GENERAL PROVISIONS

10.05. Title. This Code shall be known and may be cited as the "Beaverton Development Code" and shall be referred to herein as "this Code." (ORD 3226; September 1981) [ORD 4224; August 2002]

10.10. Purpose.

1. This Code has been designed in accordance with the goals, policies, and statements of intent of the Beaverton Comprehensive Plan, the officially enacted Comprehensive Plan for the City of Beaverton and its environs. It is the general purpose of this Code, therefore, to provide one of the principal means for the implementation of the Beaverton Comprehensive Plan.
2. In adopting this Code, the City Council is responding to the development of the City of Beaverton and the issues concerning that development. The Council is anticipating that as future growth and urbanization continues, control will be required to preserve and enhance the amenities necessary to the prosperity and appearance of the community. [ORD 4224; August 2002]
3. This Code is designed to regulate the division of land and to classify, designate and regulate the location and use of buildings, structures, and land for residential, commercial, industrial, or other uses in appropriate places, and for said purposes to divide the City of Beaverton into districts of such number, shape, and area as may be deemed best suited to carry out these regulations and provide for their enforcement; to encourage the most appropriate use of lands; to conserve and preserve natural resources; to conserve and stabilize the value of property, to provide adequate open spaces for light and air and prevention of fires; to prevent undue concentrations of population; to facilitate adequate provisions for critical urban services such as fire, water, sewer, streets, and storm drainage systems; to facilitate adequate provision for essential urban services such as police, transit, schools, parks, libraries and other public service requirements; and to promote the public health, safety and general welfare. (ORD 3226; September 1981) [ORD 4224; August 2002]

10.10.

4. To further implement the Beaverton Comprehensive Plan, this Code is adopted for the following special purposes:
 - A. To promote coordinated, sound development, taking into consideration the City's natural environment, amenities, views, and the appearance of its buildings and open spaces.
 - B. To achieve a balanced and efficient land use pattern, to protect and enhance real property values, to promote safe and uncongested traffic movement and to avoid uses and development which might be detrimental to the stability and livability of the City.
 - C. To encourage innovations in residential development and renewal so that the demand for housing may be met by a greater variety in the type and design of dwellings and by the conservation and more efficient and attractive use of open space.
 - D. To safeguard and enhance the appearance of the City through advancement of effective land use, architectural design and site planning which reflect improvements in the technology of urban development.
 - E. To provide an orderly, efficient and speedy process of reviewing applications for development activities and to avoid increased development costs borne by citizens and consumers as a result of unnecessary delay.
 - F. [ORD 4224; August 2002] To enable interested and affected persons to provide input in the development process.
5. Unless specifically indicated in the Comprehensive Plan, the provisions contained in this Code shall not apply to any application for Comprehensive Plan Amendment. Unless specifically indicated in this Code, the provisions contained in the Comprehensive Plan policies shall not apply to any applications regulated by this Code. [ORD 4224; August 2002]

10.15. Compliance.

1. Except as otherwise specifically provided by this Code, no building or other structure shall be constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the City be commenced or changed, nor shall any condition of or upon real property be caused or maintained after November 18, 1978, except in conformity with conditions prescribed for each of the zones and general regulations established hereunder. It shall be unlawful for any person to erect, construct, establish, move into, alter, enlarge, or use, or cause to be used, any building, structure, improvement or use of premises located in any zone described in this Code contrary to the provisions of this Code. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this Code shall control.
2. No yard or other open space provided about any building or on any building lot for the purpose of complying with the provisions of this Code shall be considered as providing a yard or other open space for any other building or any other building lot.
3. Except for the provisions of this Code which regulate signs, special events sponsored by non-profit organizations and public agencies are exempt from the provisions of this Code. Commercial activities not connected with a special event and activities specifically covered by this Code are subject to the provisions of this Code. (ORD 3188; September 1980) Signs for Special Events are subject to regulation under Section 60.40.20.6. [ORD 4010; February 1998] [ORD 4224; August 2002]
4. No person shall divide land without first complying with the provisions of this Code and the laws of the State of Oregon. (ORD 3226; September 1981)

10.20. Interpretation and Application of Code Language.

1. The terms or words used in this Code shall be interpreted as follows where the context demands; words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; the term "this Code" shall be deemed to include the text of this Code, the accompanying zoning map and all amendments made hereafter to either.
2. The Director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this Code. The City Council shall have the final authority to interpret all terms, provisions and requirements of this Code. Other persons requesting such an interpretation in writing shall do so in accordance with Section 40.25 (Director's Interpretation). [ORD 4224; August 2002]
3. [ORD 4224; August 2002] The Code shall be read literally. Regulations are not more or less strict than as stated.
4. [ORD 4224; August 2002] Proposals for uses where the code is silent or where the rules of the Code do not provide a basis for concluding that the use is allowed are prohibited.
5. [ORD 4224; August 2002] Uses of land not expressly allowed or not incidental to a permitted use are prohibited.
6. [ORD 4224; August 2002] Where it is unclear whether or in what manner sections of this Code apply to a given situation, or if terms or sections are ambiguous or vague, the following should be applied as warranted under the circumstances:
 - A. Terms defined in Chapter 90 (Definitions) have specifically stated meanings unless the context clearly requires otherwise.
 - B. Terms not defined in Chapter 90 (Definitions) shall have the meaning set forth in Webster's Third New International Dictionary, 1993, copies of which are available for reference in the Community Development Department and Beaverton City Library.

10.20.6.

C. This Code shall be interpreted reasonably, reading questioned regulations in relation to other sections such that an interpretation most fully effectuates the intent and purpose of the regulations.

7. [ORD 4224; August 2002] This Code shall be interpreted most favorably to provide all necessary authority to carry out its purposes and provisions.

10.25. Classification of Districts. The City is divided into the following zoning districts, each of which shall include a suffix letter designator with its map symbol to indicate its classification:

ZONING DISTRICT	ABBREVIATION
Residential Districts	
Residential-Agricultural	RA
Urban Low Density (10,000)	R10
Urban Standard Density (7,000)	R7
Urban Standard Density (5,000)	R5
Urban Medium Density (4,000)	R4
Urban Medium Density (3,500)	R3.5
Urban Medium Density (2,000)	R2
Urban High Density (1,000)	R1
Commercial Districts (ORD 3352)	
Convenience Service Center	CV
Office Commercial	OC
Neighborhood Service Center	NS
Community Service	CS
General Commercial	GC
Industrial Districts	
Campus Industrial	CI
Industrial Park	IP
Light Industrial	LI

10.25.

ZONING DISTRICT**ABBREVIATION****Multiple Use Districts**

Station Area - Multiple Use	SA-MU
Station Area - Medium Density Residential	SA-MDR
Station Community - Multiple Use	SC-MU
Station Community - High Density Residential	SC-HDR
Station Community - Employment	SC-E
Corridor – Multiple Use	C-MU
Town Center - Multiple Use	TC-MU
Town Center - High Density Residential	TC-HDR
Town Center - Medium Density Residential	TC-MDR
Regional Center - Transit Oriented	RC-TO
Regional Center - Old Town	RC-OT
Regional Center - East	RC-E

[ORD 4005; January 1990] [ORD 4058; August 1999] [ORD 4075; November 1999]
 [ORD 4224; August 2002] [ORD4265; September 2003]

10.30. Zoning Map.

1. The boundaries of the zoning districts established in this Code are indicated on a map entitled "Zoning Map of the City of Beaverton" which shall hereinafter be referred to as the "City zoning map". The City zoning map and all amendments and changes thereto, and all legends, symbols, notations, references and other matters shown thereon, are hereby adopted by reference.
2. Amendments to the City zoning map may be made in accordance with Section 40.97 of this Code. Copies of all map amendments shall be dated with the effective date of the document adopting the map amendment and shall be maintained without change, together with the adopting document, on file in the office of the City Recorder. [ORD 4224; August 2002]
3. The Director shall maintain an up-to-date copy of the City zoning map to be revised from time to time so that it accurately portrays changes of zone boundaries. (ORD 3739) [ORD 4224; August 2002]

10.35. Interpretation of District Boundaries.

1. [ORD 4224; August 2002] When bordering a public right-of-way, all zoning district boundaries shall extend to the centerline of the right-of-way as shown on the Comprehensive Plan.
2. Where due to the scale, lack of detail or illegibility of the City zoning map or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of any district boundary, the exact location of a district boundary line shall be determined by the Director in accordance with the following standards:
 - A. Street Lines. Where district boundaries are indicated as approximately following the centerline of a right-of-way, such lines shall be construed to be such district boundaries. [ORD 4224; August 2002]
 - B. Street Vacations. Whenever any public right-of-way is lawfully vacated the lands formerly within such public right-of-way shall be subject to the same zoning regulations as are applicable to the underlying property unless the zoning is changed by separate action. [ORD 4224; August 2002]
 - C. Lot Lines. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. If a district boundary divides a lot into two or more districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided that the boundary adjustment is for a distance of 20 feet or less. If an adjustment of more than 20 feet is required, the change in the district boundary shall be treated as a change of zone. [ORD 4224; August 2002]
 - D. Water Courses. District boundary lines are intended to follow the center lines of water courses unless such boundary lines are fixed by dimensions shown on the City zoning map.

10.40. Annexation.

1. Any area annexed to the City shall retain the zoning classification of its former jurisdiction until changed by the City. In the interim period, the City shall enforce the zoning regulations of the former jurisdiction along with any conditions, limitations or restrictions applied by the former jurisdiction as though they were a part of this Code, except that the provisions of Chapters 30 through 80 of this Code shall supersede comparable provisions of the zoning regulations in force in the former jurisdiction at the time of annexation.
2. The City may consider the zoning for any area proposed for annexation at the same time as it considers annexation of the area or at a later time. The zoning decision shall not be a final decision for the purposes of judicial review until the date that the question of annexation has received all approvals required by City and State law and has become effective. [ORD 4135; November 2000] [ORD 4224; August 2002] [ORD 4397; July 2006]
3. [ORD 4135; November 2000] The process for zoning map amendments that are associated with annexations shall be as follows:
 - A. For parcels in which the Washington County - Beaverton Urban Planning Area Agreement (UPAA) identifies a specific City zoning designation and leaves no discretion about which zoning district to assign, the City Council shall adopt the required zoning map amendment without a public hearing pursuant to Section 40.97.15.3 (Non-Discretionary Annexation Related Zone Change) of this Code. [ORD 4224; August 2002]
 - B. For parcels where the UPAA does not identify a specific City zoning designation and discretion is required, a public hearing shall be held pursuant to Section 40.97.15.4 (Discretionary Annexation Related Zone Change) of this Code. The Planning Commission may conduct the public hearing on the zoning change unless State law requires the City Council to hold a public hearing on the related annexation in which case the zoning map amendment hearing will be conducted concurrently by the City Council and the Planning Commission hearing will not be required. The most similar City zoning designation will be applied as required by the UPAA. [ORD 4224; August 2002] [ORD 4397; July 2006]

10.40.

4. [ORD 4224; August 2002] Development, uses, or both which have received approval from the former jurisdiction shall continue to be approved and subject to the conditions of approval established by the former jurisdiction, if any. After the effective date of either Annexation Related Zone Change application, any change to any development or uses annexed into the City shall be subject to the City zoning regulations in effect at the time of the proposed change.

10.45. Relationship to Other Regulations and Restrictions. It is not intended by this Code to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Code imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Code shall govern.

10.50. Authorization for Similar Uses. The Director may authorize that a use, not specifically named in the allowed uses, be permitted if the use is of the same general type and is similar to the allowed uses; provided, however, that the Director may not permit a use already allowed in any other zoning district of this Code. Application for such a decision shall be processed as a Director Interpretation, as provided by Section 40.25 of this Code. [ORD 4224; August 2002]

10.55. Fees.

1. In order to defray expenses incurred in connection with the processing of applications, preparation of reports, publications of notices, issuance of permits and other matters, the City may charge and collect filing and other fees as established by resolution of the Council. The required fees shall be paid to the City upon filing of an application or at such other time as may be specified in this Code. The City may charge double the usual application fee to those who fail to apply for any permit or other approval required by the City. The failure to submit a required fee with an application or an application for appeal, including return of checks unpaid or other failure of consideration, may preclude the processing of that application or appeal. [ORD 4224; August 2002]
2. The Council may reduce or waive required fees upon a showing of just cause to do so. (ORD 3823) [ORD 4224; August 2002]

10.55.

3. [ORD 4224; August 2002] If a governmental agency requires removal or relocation of a sign, the fee for any application (Section 40.60) to replace or relocate that sign is waived.

10.60. Burden of Proof. [ORD 4224; August 2002]

1. Except as otherwise provided, the applicant shall bear the burden of proof and persuasion that the proposal is in compliance with the applicable provisions of this Code.
2. Failure to comply with applicable procedural provisions of this Code shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging a procedural error shall have the burden of proof and persuasion as to whether the error occurred and whether the error has prejudiced the person's substantial rights.

10.65. Conditions of Approvals. [ORD 4224; August 2002]

1. The decision making authority cannot approve applications the impacts of which cannot be mitigated through reasonable roughly proportional conditions of approval. Therefore, the decision making authority may impose conditions on any Type 1, Type 2, or Type 3 approval. Such conditions shall ensure that the proposal complies with the appropriate approval criteria. [ORD 4302; May 2004]
2. In addition to conditions imposed pursuant to Section 10.65.1 above, a condition is valid and enforceable when the applicant has:
 - A. Requested the condition;
 - B. Allow the decision to become final; or
 - C. Taken a substantial step in reliance on the permit that includes the condition.

10.65.

3. Contract for Conditions. When the approval requires a contract, conditions may be set forth in a contract executed between the City, acting by and through the Mayor and the property owner and any contract purchasers and approved as to form by the City Attorney. If a contract is required, no development permits in connection with approval shall be issued until the properly executed contract is recorded with the Department of Records and Elections of Washington County at the expense of the applicant. The condition, as set forth in the contract and recorded, shall constitute a covenant running with the land in favor of the City of Beaverton and, unless otherwise provided, shall be removed only with the express authorization of the City Council. In return for the granting of the application, the property owner, contract purchasers and their heirs, successors and assigns shall be responsible for performing the conditions set forth therein. Said contract shall contain provisions that it is enforceable against the signing parties, their heirs, successors and assigns by the City by appropriate legal proceedings.
4. Assurance of Compliance with Conditions. A bond, cash deposit, or other security in an amount sufficient to ensure compliance with a condition of approval and accepted by the City may be required from the applicant. Such security shall be posted prior to the issuance of the appropriate construction permit.
5. Challenge to Condition. If the applicant asserts that it cannot legally be required, as a condition of land use approval, to provide property interests or improvements at the level otherwise required by this section, then:
 - A. The land use application shall include a "rough proportionality" report, prepared by a qualified civil or traffic engineer, as appropriate, showing:
 1. The estimated extent to which the improvements will be used by persons served by the building or development, whether the use is for safety or for convenience;
 2. the estimated level of improvements needed to meet the estimated extent of use by persons served by the building or development;

10.65.5.A.

3. The estimated impact of the building or development on the public infrastructure system of which the improvements will be a part; and
 4. The estimated level of improvements needed to mitigate the estimated impact on the public infrastructure system; and
- B. The applicant shall instead be required to provide property interests and improvements that are reasonably related and roughly proportional to what is needed for the safety or convenience of persons served by the building or development plus those additional easements and improvements that are reasonably related and roughly proportional to what is needed to mitigate the impact of the building or development on the public infrastructure system of which the improvements will be a part, if the impacts are not fully mitigated by the property interests and improvements needed for the safety or convenience of persons served by the building or development. The requirements to be imposed under this subsection shall be determined following consideration of the "rough proportionality" report submitted by the applicant and of any other relevant evidence submitted by the City or others for consideration during the application process.
6. Recordation of Conditions. All conditions of approval for a specific proposal shall be recorded in the Deed Records for the specific parcel with the Washington County Department of Assessment and Taxation. The conditions of approval to be recorded may be in the form of a Land Use Order or other City issued document. The City shall conduct the recordation and the applicant shall pay the applicable recording fee.
 7. Failure to Fulfill Previous Conditions. As a condition of approval of an application for a permit the City may require the property owner to fulfill or to give security to fulfill a prior condition of approval of a land use permit for the same property that was imposed by any governmental entity with jurisdiction unless the owner shows that to fulfill that condition would be useless, impractical or impossible in light of the use now proposed for the property in the current application for a permit.
 8. Modification or Removal of Conditions. Refer to Section 50.95.

10.65.

9. Revocation. Failure to fulfill any conditions of approval within the time limits provided shall constitute a violation of this Code and the subject approval will be subject to code enforcement proceedings. Enforcement proceedings may include revocation of the subject approval after a hearing by the City Council.

10.70. Enforcement.

1. General. It shall be the duty of the Mayor to enforce the provisions of this Code. The term, "this Code", means not only the provisions expressed herein but also the conditions or terms of any permit, certificate, license or approval granted pursuant to this Code. The Mayor may use the resources of any City department to assist in carrying out the City's responsibilities under this section. (ORD 3226; September 1981)
2. Official Action. All officials, departments and employees of the City vested with authority to issue permits, certificates, licenses, or grant approvals, shall adhere to and require conformance with this Code and shall issue no permit, certificate, license or grant approval for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this Code. Any permit, certificate, license or approval issued or granted in conflict with the provisions of this Code, intentionally or otherwise, shall be void.
3. Maintenance. [ORD 4224; August 2002] All improvement(s) constructed pursuant to an approval under this Code shall be maintained in perpetuity by the property owner in compliance with the relevant conditions of approval unless otherwise modified by action of the City.
4. Abatement. Any use which is established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to this Code or to any permit or approval granted under this Code shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such. [ORD 4224; August 2002]
5. Injunctive Relief. Upon request of the Mayor, the City Attorney may institute a suit in equity in the Circuit Court of the State of Oregon to enjoin the maintenance of any use, occupation, building or structure or any activity being conducted or proposed to be conducted in violation of any provision of this Code. (ORD 3739)

10.70

6. Penalties. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any provision of this Code shall be deemed to have committed a Class 1 City infraction, such infraction to be processed in accordance with the procedures set forth in the City Civil Infractions Ordinance.
7. Presumption. [ORD 4224; August 2002] The City shall have a rebuttable presumption that a violation of the Code was caused or allowed by the person owning or controlling the property.
8. Cumulative Remedies. The right, remedies, and penalties provided in this section are cumulative and not mutually exclusive and are in addition to any other rights, remedies, and penalties available to the City under any other ordinance or law.
9. Violation of Development Agreement. [ORD 4294; April 2004] If the City has entered a development agreement with any party concerning the development of land within the City and has mailed or delivered a written notice that the party is in breach or default of the development agreement, the City may deny any application for land use or building permits on such property because of the breach or default of the development agreement.

10.75. Administrative Rules.

1. The Mayor may promulgate such rules and regulations as he considers necessary to facilitate the administration and interpretation of this Code.
2. A person aggrieved by the application of this Code to an application for any permit or approval allowed under this Code may appeal such a decision pursuant to Sections 50.60 through 50.75 of this Code. [ORD 4224; August 2002]
3. A person aggrieved by the application of a rule or regulation concerning the interpretation of this Code shall follow the provision for interpreting this Code found in Section 40.25 (Director's Interpretation). [ORD 4224; August 2002]

10.80. Severability. The provisions of this Code are severable. If a portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Code.

- 10.85. Repeal.** Ordinance Nos. 550, 556, 620, 631, 639, 727, 783, 820, 828, 829, 843, 877, 939, 952, 1025, 1044, 1059, 1086, 1123, 1141, 1193, 1249, 1394, 1427, 1485, 1498, 1499, 1520, 1600, 1660, 1724, 1737, 1743, 1795, 1900, 1913, 1933, 2001, 2063, 3018, 3030, 3032, 3039, 3058 and 3067 are repealed.
- 10.90. Saving Clause.** The repeal of any ordinance listed in Section 10.85 shall not affect or prevent application of remedies or punishment of a person for an act done or committed prior to November 18, 1978 and in violation of any ordinance repealed and listed in Section 10.85.
- 10.93. Hearings Officer.** The City Council may by resolution transfer any or all quasi-judicial powers and duties, including quasi-judicial administrative powers and duties, of the Planning Commission or Board of Design Review as herein provided to a Hearings Officer. Prior to such action, the Commission or Board, as appropriate, shall comment on and recommend to the Council which specific matters should be transferred to the Hearings Officer. (ORD 3216; June 1981)
- 10.95. Development Review Participants.** [ORD 4224; August 2002] The following are the primary participants in the planning and development review decision making process in the City of Beaverton. The roles of these participants are outlined in this Section and may be further defined by the City Council through ordinance or resolution.
- 1. City Council**
 - A. Membership. The City Council is composed of five councilors elected at large to serve a four year term.
 - B. Responsibility and Authority.
 1. The City Council may, by ordinance or resolution, create or continue a Planning Commission or Commissions which shall act as planning and development advisory body(s) to the Council and shall have such other powers and authority as described in this Code or as may be specified by the Council through resolution.
 2. The City Council, may, by ordinance or resolution, create subcommittee(s) of the Planning Commission(s) and delegate to such subcommittee(s) such powers and authority deemed necessary by the Council.
 3. The City Council shall be the decision making authority on the following applications: Street Vacation, Text

10.95.1.B.3.

Amendment, Quasi-Judicial Zone Change, Legislative Zone Change, Non-Discretionary Annexation Related Zone Change, Discretionary Annexation Related Zone Change, appeals of Director's Interpretation, and appeals of all Planning Commission and Board of Design Review decisions on Type 3 applications.

- C. Meetings. The City Council shall hold a regular meeting every Monday of each week of each month. However, a meeting need not be held if there are no items submitted for review by the Council or if the designated meeting date falls on a holiday.

2. Planning Commission

A. Membership.

1. There is hereby continued a Planning Commission which shall consist of seven (7) members appointed by the Mayor and confirmed by the City Council for three year terms or until their respective successors are appointed and qualified. Terms of office shall begin on the first day of the calendar year.
2. The Mayor, with approval of the Council, shall appoint one or more alternate members of the Commission. The alternate member having seniority as an alternate shall assume the position of a regular member immediately upon a vacancy in that position and for the remainder of the term of that position. Alternate members shall attend all meetings of the Commission, shall be entitled to all information regularly provided to members of the Commission and shall be subject to removal on the same terms and in the same manner as a regular Commission member.
3. Upon the resignation, permanent disqualification, or removal of any member of the Planning Commission, the Mayor, with Council consent, may appoint the senior most alternate to fill out the remainder of the term. If an alternate is not available, the Mayor, with Council consent, may appoint a successor to fill out the remainder of the term.

10.95.2.A

4. Planning Commissioners shall serve at the pleasure of the Mayor and may be removed without cause at any time with the consent of the Council as provided in the Beaverton Charter.
5. Members of the Planning Commission shall be residents of the City and are not Council members, officers, or City employees. No more than two members shall be engaged principally in the buying, selling, or developing of real estate. No more than two members shall be engaged in the same occupation.
6. The Mayor, the City Attorney, and such other City personnel as the Council may from time to time designate, shall be entitled to sit with the Commission and take part in its discussions, but they shall not have the right to vote.

B. Responsibility and Authority.

1. The Planning Commission has all powers and duties that are now or may hereafter be granted to or imposed on it by Charter, Code and City ordinances, State law and official policies promulgated by the City Council.
2. The Planning Commission shall act on the behalf of the City on the following applications: Major Adjustment, Major Modification of a Conditional Use, Conditional Use, Preliminary Planned Unit Development, Final Planned Unit Development, Flexible Setback(s) for a Proposed Land Division, Flexible Setback(s) for a Proposed Annexation, Zero Side or Zero Rear Yard Setback(s) for a Proposed Residential Land Division, Tree Plan Three, Variance, Wireless Facility Three, and appeals of some decisions of the Director. [ORD 4365; September 2005]
3. The Planning Commission shall act on the behalf of the City where there are multiple complete applications for a single property for which the decision making authority is a combination of either the Director, Design Review Board, or Planning Commission.

10.95.2.B.

4. The Planning Commission shall advise the City Council on Quasi-Judicial Zone Change, Legislative Zone Change, and Discretionary Annexation Related Zone Change application(s).
5. The Director may request that the Planning Commission advise the City Council on Text Amendment application(s).
6. The Planning Commission may appoint a subcommittee(s) of the Planning Commission to act upon such matters as the Planning Commission may delegate or City Council may delegate through ordinance or resolution.

C. Rules and Procedures.

1. The Planning Commission shall hold a regular meeting every Wednesday of each week of each month. However, a meeting need not be held if there are no applications submitted for review by the Commission or if the designated meeting date falls on a holiday.
2. With the exception to continue an agenda item to a future meeting, the Planning Commission may conduct business only when a quorum of the members is present. For purposes of interpreting the provisions of these rules, every member of the Commission who is present shall be counted for the purposes of constituting a quorum, even if the member does not vote on one or more matter before the Commission.
3. The Planning Commission shall, at or before its first meeting in December each year, elect one of its members to serve as Chairman and another to serve as Vice-Chairman which shall be effective as of the following January 1.
4. Actions by the Planning Commission require a majority vote of those present and voting.

10.95.2.C.

5. A tie vote on an action shall constitute a denial of the request. However, if the final vote on an application is a tie, the applicant may request a continuance to a future public hearing. If such continuance is granted, the matter shall be continued to a date, time, and location certain for another vote of the Commission. A member not present at the earlier hearing may participate if the member indicates on the record that he or she has reviewed the record of the earlier hearing. If a tie vote remains after the continued proceeding, the action is deemed denied. If a tie vote of the Planning Commission occurs when the Commission is reviewing an appeal of a Director's decision, the original Director's decision shall stand.

3. Board of Design Review.

A. Membership.

1. There is hereby continued a Board of Design Review which shall consist of seven (7) members appointed by the Mayor and confirmed by the City Council for three year terms or until their respective successors are appointed and qualified. Terms of office shall begin on the first day of the calendar year.
2. Upon the resignation, permanent disqualification, or removal of any member of the Board of Design Review, the Mayor, with Council consent, may appoint a successor to fill out the remainder of the term.
3. Board of Design Review members shall serve at the pleasure of the Mayor and may be removed without cause at any time with the consent of the Council as provided in the Beaverton Charter.

10.95.3.A.

4. Members of the Board of Design Review shall, when possible, be either property owners, residents, or actively engaged in business or employment in the City. The membership of the Board shall consist of one (1) registered architect, one (1) registered landscape architect, two (2) individuals actively engaged in architecture, landscape architecture, design, engineering or in a construction related industry, or the graphic arts, and three (3) individuals who are qualified by education, training, interest, or experience to serve on the Board.

B. Responsibility and Authority.

1. The Board of Design Review has all powers and duties that are now or may hereafter be granted to or imposed on it by Charter, Code and City ordinances, State law and official policies promulgated by the City Council.
2. The Board of Design Review shall review proposals and make necessary decisions delegated to them by this Code concerning design and aesthetic aspects of proposals. The Board of Design Review shall act on the behalf of the City on the following applications: Major Adjustment, Design Review Three, Major Alteration of a Landmark, Demolition of a Landmark, New Construction in a Historic District, Tree Plan Three, Variance, and appeals of some decisions of the Director.
3. The Director may request that the Board of Design Review advise the City Council on Text Amendment application(s).
4. The Board of Design Review may appoint a subcommittee(s) of the Board of Design Review to act upon such matters as the Board of Design Review delegates or City Council may delegate through ordinance or resolution.

10.95.3.

C. Rules and Procedures.

1. The Board of Design Review shall hold a regular meeting every Thursday of each week of each month. However, a meeting need not be held if there are no applications submitted for review by the Board or if the designated meeting date falls on a holiday.
2. With the exception to continue an agenda item to a future meeting, the Board of Design Review may conduct business only when a quorum of the members are present. For purposes of interpreting the provisions of these rules, every member of the Board who is present shall be counted for the purposes of constituting a quorum, even if the member does not vote on one or more matter before the Board.
3. The Board of Design Review shall, at its first meeting in January each year, elect one of its members to serve as Chairman and another to serve as Vice-Chairman.
4. Actions by the Board of Design Review require a majority vote of those present and voting.
5. A tie vote on an action shall constitute a denial of the request. If the final vote on the matter is a tie, the applicant may request a continuance. If such continuance is granted, the matter shall be continued to a date, time, and location certain for another vote of the Board. A member not present at the earlier hearing may participate if the member indicates on the record that he or she has reviewed the record made at the earlier hearing. If a tie vote remains after the second hearing, the action is deemed denied. If a tie vote of the Board of Design Review occurs when the Board is reviewing an appeal of a Director's decision, the original Director's decision shall stand.

10.95.

4. Facilities Review Committee.

- A. Membership. There is hereby continued a Facilities Review Committee whose members shall consist of persons with the technical expertise in and responsibility for technical issues including, but not limited to land use, transportation, utilities, police, and fire. The Director shall convene the Facilities Review Committee and the Committee has the power to carry out the duties set forth in this Code. A representative from any unit of local government or public agency with regulation jurisdiction concerning a project shall be entitled to participate as an ex officio member of the Committee in committee meetings, make recommendations on any proposal, or make written comments relevant to the review of a particular proposal.
- B. Powers and Duties. The Facilities Review Committee shall review and shall make the necessary recommendations to the Director concerning technical aspects of the proposals based upon the technical criteria listed in Section 40.03 of this Code for the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, all Land Division, Public Transportation Facility, and Street Vacation. The Facilities Review Committee shall review and shall make recommendations to the Director based on the applicable approval criteria for all other Type 2 land use applications. The Facilities Review Committee may review and may make recommendations to the Director based on the applicable approval criteria for all other Type 3 and Type 4 land use applications. [ORD 4404; September 2006]
- C. Meetings. The Facilities Review Committee shall hold a regular meeting every Wednesday of each week of each month. However, a meeting need not be held if there are no applications submitted for review by the Committee or if the designated meeting date falls on a holiday.

10.95.4.D.

- D. Committee Recommendations. The conditions recommended by the Facilities Review Committee shall represent a consensus of the Committee. Moreover, the conditions recommended by the Facilities Review Committee are for the purpose of ensuring compliance with the technical criteria listed in Section 40.03 of this Code for the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, all Land Division, Public Transportation Facility, and Street Vacation. The Planning Commission, Board of Design Review, or City Council acting as the decision making authority on an application(s) may change the conditions recommended by the Committee only after requesting and receiving a written report from the Facilities Review Committee detailing the technical aspects concerning the purpose and need for the recommended condition(s). [ORD 4404; September 2006]

CHAPTER 20 - LAND USES

20.05. RESIDENTIAL LAND USE DISTRICTS

20.05.05. Residential Agricultural - R-A District

1. **Purpose.** The Residential Agricultural (R-A) District is intended to promote the development and continuation of agricultural land uses in appropriate areas until needed for orderly expansion; to provide opportunities for dwellings to be located in a semi-rural environment.
2. **District Standards and Uses.** Residential Agricultural Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Detached dwelling. [ORD 4224; August 2002]
2. Guesthouses. (See also Special Use Regulations Section, Accessory Uses and Structures.)
3. Home Occupations.
4. Care facilities, accommodating not more than five non-related persons, for children and senior citizens.
5. Farms, orchards, flower gardens and growing nursery plants and other similar enterprises carried on in the general field of horticulture.
6. The keeping of livestock, provided that barns, stables and other structures constructed after the effective date of this ordinance to house such livestock shall not be located closer than 100 feet of a lot line. This limitation on location shall not apply to structures or any reconstruction of structures in existence on the effective date of this ordinance. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Poultry Farms.)

20.05.05.2.A.

7. Apiaries, provided that no apiary, hive or comb shall be located closer than 300 feet of a lot line. The application of this limitation shall be the same for existing apiaries, hives or combs as for existing structures in 6, above.
8. Sale of products raised on the premises.
9. One mobile or manufactured home per lot for residential purposes, that mobile home being the only dwelling unit on the lot. The placement of a manufactured home is subject to the design and placement criteria found in Section 60.20.20. (ORD 3899). (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.)
10. Public sewer and water transmission lines and utility transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
11. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]
12. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
13. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
14. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
15. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]

20.05.05.2.B.

16. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Churches and synagogues. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
2. Cemeteries. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Cemetery, Crematory, Mausoleum, Columbarium.)
3. Riding stables and academies, with a minimum lot area of 10 acres. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Kennels, Riding Academies and Stables.)
4. Storage Yards.
5. Educational institutions, including public, private or parochial academic schools, colleges, universities, vocational and trade schools. Schools that are customarily commercial rather than academic in nature, such as business, dancing, karate, and other instruction schools are not allowed in the District. (See also Special Use Regulations Section, Uses Requiring Special Regulation - Portable Classrooms.)
6. Residential Care Facilities. [ORD 4036; March 1999]

20.05.05.2

7. Hospitals. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
8. Recreation uses and facilities, including country clubs, golf courses, non-motorized bicycle tracks, skateboard paths, swimming clubs, handball and racquetball clubs, tennis and other racquet clubs.
9. Utility and pumping stations with no outside equipment storage. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
10. Kennels. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Kennels, Riding Academies and Stables.)
11. Other public uses:
 - a. Parks, parkways, playgrounds, and related facilities.
 - b. Sewer and water supply installations other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
 - c. Water conservation and flood control installations, other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
 - d. Buildings and other structures, such as a City Hall, Post Office or Police and Fire substations.
12. Construction of a wireless communication facility tower [ORD 4248; April 2003]
13. Direct-to-home satellite service and satellite antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

20.05.05.2

C. Prohibited Uses:

1. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

D. Use Restrictions:

reserved (not currently specified in Development Code.)

E. District Requirements:

reserved (not currently specified in Development Code.)

20.05.10. Urban Low Density (R-10) District

1. **Purpose.** The purpose of this zone is to allow one dwelling per lot of record. (ORD 3293; November, 1982) The R-10 is intended to establish standard urban density residential home sites where a minimum land area of 10,000 square feet is available for each dwelling unit, and where full urban services are provided.
2. **District Standards and Uses.** R-10 districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Detached dwelling. [ORD 4224; August 2002]
2. Manufactured homes. The placement of a manufactured home is subject to the design and placement criteria found in Section 60.20.20. (ORD 3899) (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.)
3. Guest Houses. (See also Special Use Regulations Section, Accessory Uses and Structures.)
4. Accessory uses and structures normal to a residential environment. (See also Special Use Regulations Section, Accessory Uses and Structures.)
5. Home Occupations.
6. Care facilities accommodating not more than five nonrelated persons, for children and senior citizens.
7. Public sewer and water transmission lines and utility transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
8. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]

20.05.10.2.

9. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
10. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
11. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
12. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
13. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Planned Unit Developments.
2. Storage Yards.
3. Residential Care Facilities. [ORD 4036; March 1999]
4. Hospitals. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)

20.05.10.2.B.

5. Educational institutions, including public, private or parochial academic schools, colleges, universities, vocational and trade schools. (See also Special Use Regulations Section, Uses Requiring Special Regulation - Portable Classrooms.)
6. Public parks, parkways, playgrounds and related facilities.
7. Churches, synagogues and related facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
8. Public sewer, water supply, water conservation and flood control installations, other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
9. Public buildings and other structures, such as City Hall, Post Office, Police and Fire substations.
10. Utility substations and related facilities other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
11. Recreation uses, public and private.
12. Nursery schools, day or child care facility (ORD 3184; July 1980) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)
13. Two attached dwellings, only in the Beaverton Regional Center area shown on Figure III-1 in the Comprehensive Plan (ORD 3236) (See also Special Regulations Section.) [ORD 4224; August 2002] [ORD 4365; September 2005]
14. Cemetery. (See also Section 60.50.25., Uses Requiring Special Regulations, Cemetery, Crematory, Mausoleum, Columbarium.) [ORD 4102; April 2000]

20.05.10.2.B.

15. Construction of a wireless communication facility tower [ORD 4248; April 2003]
16. Direct-to-home satellite service and satellite antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Mobile Home Parks/Subdivisions. (ORD 3899)
2. Schools that are customarily commercial rather than academic in nature, such as business, dancing, karate and other instruction schools are not allowed in the district.
3. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

D. Use Restrictions:

reserved (not currently specified in Development Code.)

E. District Requirements:

reserved (not currently specified in Development Code.)

20.05.15. Urban Standard Density (R7) District

1. **Purpose.** The purpose of this zone is to allow one dwelling per lot of record. (ORD 3293; November, 1982) The R-7 is intended to establish standard urban density residential home sites where a minimum land area of 7,000 square feet is available for each dwelling unit, and where full urban services are provided.
2. **District Standards and Uses.** R-7 districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Detached dwelling. [ORD 4224; August 2002]
2. Manufactured homes. The placement of a manufactured home is subject to the design and placement criteria found in Section 60.20.20. (ORD 3899) (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.)
3. Guest Houses. (See also Special Use Regulations Section, Accessory Uses and Structures.)
4. Accessory uses and structures normal to a residential environment. (See also Special Use Regulations Section, Accessory Uses and Structures.)
5. Home Occupations.
6. Care facilities accommodating not more than five nonrelated persons, for children and senior citizens.
7. Public sewer and water transmission lines and utility transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
8. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]

20.05.15.2.

9. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
10. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
11. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
12. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
13. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Planned Unit Developments.
2. Storage Yards.
3. Residential Care Facilities. [ORD 4036; March 1999]
4. Hospitals. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)

20.05.15.2.B.

5. Educational institutions, including public, private or parochial academic schools, colleges, universities, vocational and trade schools. (See also Special Use Regulations Section, Uses Requiring Special Regulation - Portable Classrooms.)
6. Public parks, parkways, playgrounds and related facilities.
7. Churches, synagogues and related facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
8. Public sewer, water supply, water conservation and flood control installations, other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
9. Public buildings and other structures, such as City Hall, Post Office, Police and Fire substations.
10. Utility substations and related facilities other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
11. Recreation uses, public and private.
12. Nursery schools, day or child care facility (ORD 3184; July 1980) (See also Special Regulations Section.)
13. Cemetery. (See also Section 60.50.25., Uses Requiring Special Regulations, Cemetery, Crematory, Mausoleum, Columbarium.) [ORD 4102; April 2000]
14. Construction of a wireless communication facility tower [ORD 4248; April 2003]
15. Direct-to-home satellite service and satellite antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

20.05.15.2.

C. Prohibited Uses:

1. Mobile Home Parks/Subdivisions. (ORD 3899)
2. Schools that are customarily commercial rather than academic in nature, such as business, dancing, karate and other instruction schools are not allowed in the district.
3. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

D. Use Restrictions:

reserved (not currently specified in Development Code.)

E. District Requirements:

reserved (not currently specified in Development Code.)

20.05.20. Urban Standard Density (R5) District

1. **Purpose.** The purpose of this zone is to allow one dwelling per lot of record. (ORD 3293; November, 1982) The R-5 District is intended to establish standard urban density residential home sites where a minimum land area of 5,000 square feet is available for each dwelling unit and where full urban services are provided. (ORD 3166; April 1980) [ORD 4112; June 2000]
2. **District Standards and Uses.** R-5 districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Detached dwelling. [ORD 4224; August 2002]
2. Mobile Home Parks/Subdivisions (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.) (ORD 3899)
3. Manufactured homes. The placement of a manufactured home is subject to the design and placement criteria found in Section 60.20.20. (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.) (ORD 3899)
4. Guest Houses. (See also Special Use Regulations Section, Accessory Uses and Structures.)
5. Accessory uses and structures normal to a residential environment. (See also Special Use Regulations Section, Accessory Uses and Structures.)
6. Home Occupations.
7. Care facilities accommodating not more than five nonrelated persons, for children and senior citizens.
8. Public sewer and water transmission lines and utility transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)

20.05.20.2.A.

9. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]
10. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
11. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
12. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
13. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
14. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Planned Unit Developments.
2. Storage Yards.
3. Residential Care Facilities. [ORD 4036; March 1999]

20.05.20.2.B.

4. Hospitals. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
5. Educational institutions, including public, private or parochial academic schools, colleges, universities, vocational and trade schools. (See also Special Use Regulations Section, Uses Requiring Special Regulation - Portable Classrooms.)
6. Public parks, parkways, playgrounds and related facilities.
7. Churches, synagogues and related facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
8. Public sewer, water supply, water conservation and flood control installations, other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
9. Public buildings and other structures, such as City Hall, Post Office, Police and Fire substations.
10. Utility substations and related facilities other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
11. Recreation uses, public and private.
12. Nursery schools, day or child care facility (ORD 3184; July 1980) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)
13. Cemetery. (See also Section 60.50.25., Uses Requiring Special Regulations, Cemetery, Crematory, Mausoleum, Columbarium.) [ORD 4102; April 2000]

14. Construction of a wireless communication facility tower [ORD 4248; April 2003]
15. Direct-to-home satellite service and satellite antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Schools that are customarily commercial rather than academic in nature, such as business, dancing, karate and other instruction schools are not allowed in the district.
2. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

D. Use Restrictions:

reserved (not currently specified in Development Code.)

E. District Requirements:

reserved (not currently specified in Development Code.)

20.05.25. Urban Medium Density (R4) District [ORD 4047; May 1999]

1. **Purpose.** The purpose of this zone is to allow up to one principal and one accessory dwelling per lot of record as permitted uses. In addition, two attached dwellings may be allowed per lot of record subject to a Conditional Use. Three or more attached dwellings may be permitted pursuant to Final Planned Unit Development approval. The R4 district establishes medium urban density residential home sites where a minimum land area of 4,000 square feet is available for each principal dwelling unit, and where full urban services are provided. [ORD 4224; August 2002]
2. **District Standards and Uses.** R4 districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses are permitted:

1. Detached dwelling. [ORD 4224; August 2002]
2. Mobile or Manufactured Home Parks existing as of the effective date of this ordinance (See also Special Requirements Chapter - Mobile and Manufactured Home Regulations Section.)
3. Mobile or Manufactured Home Subdivisions existing as of the effective date of this ordinance (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.)
4. Accessory Dwelling Units. (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03.) [ORD 4107; May 2000]
5. Accessory Structures or Uses. (See also Special Use Restrictions Chapter - Special Use Regulations Section: Accessory Uses and Structures.)
6. Home Occupations.
7. Public sewer and water transmission lines and utility transmission lines. (See also Special Requirements Chapter - Special Use Regulation Section: Utilities.)

20.05.25.2.A.

8. Manufactured homes. The placement of a manufactured home is subject to the design and placement criteria found in Section 60.20.20. (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.)
9. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
10. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
11. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
12. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
13. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses may be permitted subject to the approval of a Conditional Use (CU):

1. Two attached dwellings. [ORD 4224; August 2002]
2. Three or more attached dwellings subject to approval of a Final Planned Unit Development. [ORD 4224; August 2002]

20.05.25.2.B.

3. Planned Unit Developments.
4. Storage Yards.
5. Educational institutions, including public, private or parochial academic schools, colleges, universities, vocational and trade schools. (See also Special Use Regulations Section, Uses Requiring Special Regulation - Portable Classrooms.)
6. Residential Care Facilities. [ORD 4071; October 1999]
7. Hospitals. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.) [ORD 4071; October 1999]
8. Utility substations and related facilities, other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)
9. Care facilities, accommodating not more than five non-related persons, for children and senior citizens.
10. Public parks, parkways, playgrounds and related facilities.
11. Boarding, rooming or lodging houses.
12. Churches, synagogues and related facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
13. Public sewer, water supply, water conservation and flood control installations, other than transmission lines. (See also Special Requirements Chapter - Special Use Regulations Section: Utilities.)
14. Public buildings and other structures, such as City Hall, Post Office, Police and Fire substations.

20.05.25.2.

15. Recreation uses, public and private.
16. Mobile or Manufactured Home Parks (See also Special Requirements Chapter - Mobile and Manufactured Home Regulations Section.)
17. Mobile or Manufactured Home Subdivisions (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.)
18. Nursery schools, day or child care facility (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.
19. Cemetery. (See also Section 60.50.25., Uses Requiring Special Regulations, Cemetery, Crematory, Mausoleum, Columbarium.) [ORD 4102; April 2000]
20. Construction of a wireless communication facility tower [ORD 4248; April 2003]
21. Direct-to-home satellite service and satellite antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Commercial Schools.
2. Recycling Drop Boxes.
3. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design. [ORD 4248; April 2003]

D. District Requirements:

reserved (not currently specified in Development Code.)

20.05.30. Urban Medium Density (R3.5) District

1. **Purpose.** The R-3.5 District is intended to establish sites for medium density residential development where a minimum land area of 3,500 square feet is available for each dwelling unit.
2. **District Standards and Uses.** R-3.5 districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Detached dwelling. [ORD 4224; August 2002]
2. Two attached dwellings. [ORD 4224; August 2002]
3. Accessory uses and structures. (See also Special Use Regulations Section, Accessory Uses and Structures.)
4. Care facilities, accommodating not more than five non-related persons, for children or senior citizens.
5. Home Occupations.
6. Public sewer and water transmission lines and utility transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
7. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]
8. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
9. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]

20.05.30.2.

10. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
11. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
12. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Three or more attached dwellings. [ORD 4224; August 2002]
2. Planned Unit Developments.
3. Mobile home parks. (See also Special Regulations Section, Mobile Home Section.)
4. Mini storage facilities housing storage only and no activities; and storage yards. (ORD 3522)
5. Storage yards.
6. Residential Care Facilities. [ORD 4036; March 1999]
7. Hospitals. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)

20.05.30.2.B.

8. Educational institutions, including public, private or parochial academic schools, colleges, universities, vocational and trade schools. (See also Special Use Regulations Section, Uses Requiring Special Regulation - Portable Classrooms.)
9. Churches, synagogues, and related facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
10. Utility substations and related facilities, other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
11. Recreation uses, public and private.
12. Public parks, parkways, playgrounds and related facilities.
13. Boarding, rooming or lodging houses.
14. Public sewer, water supply, water conservation and flood control installations other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
15. Public buildings, such as City Hall, Postal facilities, police and fire substations.
16. Nursery, Day or Child Care Facility (ORD 3184) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)
17. Cemetery. (See also Section 60.50.25., Uses Requiring Special Regulations, Cemetery, Crematory, Mausoleum, Columbarium.) [ORD 4102; April 2000]
18. Construction of a wireless communication facility tower [ORD 4248; April 2003]

20.05.30.2.

19. Direct-to-home satellite service and satellite antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Non-profit public service uses in public buildings immediately adjacent to the Regional Center Zones. (ORD 3588; November 1987) [ORD 4075; November 1999]
2. Schools that are customarily commercial rather than academic in nature, such as business, dancing, karate and other instruction schools are not allowed in the district.
3. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design. [ORD 4248; April 2003]

D. Use Restrictions:

reserved (not currently specified in Development Code.)

E. District Requirements:

reserved (not currently specified in Development Code.)

20.05.35. Urban Medium Density (R2) District

1. **Purpose.** The R-2 District is intended to establish sites for medium density residential development where a minimum land area of 2,000 square feet is available for each dwelling.
2. **District Standards and Uses.** R-2 districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and accessory uses are permitted:

1. Detached dwelling. [ORD 4224; August 2002]
2. Attached dwellings. [ORD 4224; August 2002]
3. Accessory uses and structures. (See also Special Use Regulations Section, Accessory Uses and Structures)
4. Care facilities, accommodating not more than five non-related persons, for children or senior citizens.
5. Home Occupations.
6. Public sewer and water transmission lines and utility transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
7. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]
8. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
9. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]

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10. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
11. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
12. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Planned Unit Developments.
2. Mobile home parks. (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.)
3. Self Storage Facilities [ORD 4354; June 2005]
4. Storage yards.
5. Residential Care Facilities. [ORD 4036; March 1999]
6. Hospitals, sanitarium, rest homes, homes for the aged, nursing and convalescent homes. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)

20.05.35.2.B.

7. Educational institutions, including public, private or parochial academic schools, colleges, universities, vocational and trade schools. (See also Special Use Regulations Section, Uses Requiring Special Regulation - Portable Classrooms.)
8. Churches, synagogues, and related facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
9. Utility substations and related facilities, other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
10. Recreation uses, public and private.
11. Public parks, parkways, playgrounds and related facilities.
12. Boarding, rooming or lodging houses.
13. Public sewer, water supply, water conservation and flood control installations other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
14. Public buildings, such as City Hall, Postal facilities, police and fire substations.
15. Nursery, Day or Child Care Facility. (ORD 3184) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)
16. Cemetery. (See also Section 60.50.25., Uses Requiring Special Regulations, Cemetery, Crematory, Mausoleum, Columbarium.) [ORD 4102; April 2000]
17. Construction of a wireless communication facility tower [ORD 4248; April 2003]

20.05.35.2.B.

18. Direct-to-home satellite service and satellite antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Non-profit public service uses in public buildings immediately adjacent to the Regional Center Zones. (ORD 3588; November 1987) [ORD 4075; November 1999]
2. Schools that are customarily commercial in nature, such as business, dancing, karate and other instruction schools are not allowed in the district.
3. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

D. Use Restrictions:

reserved (not currently specified in Development Code.)

E. District Requirements:

reserved (not currently specified in Development Code.)

20.05.40. Urban High Density (R1) District

1. **Purpose.** The R1 District is intended to establish sites for high density, residential developments where a minimum land area of 1,000 square feet is available for each dwelling. [ORD 3918, February 1995] [ORD 4224; August 2002]
2. **District Standards and Uses.** R1 districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Detached dwelling. [ORD 4224; August 2002]
2. Attached dwellings. [ORD 4224; August 2002]
3. Accessory uses and structures. (See also Special Use Regulations Section, Accessory Uses and Structures)
4. Care facilities, accommodating not more than five non-related persons, for children or senior citizens.
5. Home Occupations.
6. Public sewer and water transmission lines and utility transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
7. Non-profit public service uses in public buildings immediately adjacent to the Regional Center Zones. (ORD 3588; November 1987) [ORD 4075; November 1999]
8. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]
9. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]

20.05.40.2.A.

10. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
11. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
12. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
13. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Planned Unit Developments.
2. Self Storage Facilities [ORD 4354; June 2005]
3. Storage yards.
4. Residential Care Facilities. [ORD 4036; March 1999]
5. Hospitals. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)

20.05.40.2.B.

6. Educational institutions, including public, private or parochial academic schools, colleges, universities, vocational and trade schools. (See also Special Use Regulations Section, Uses Requiring Special Regulation - Portable Classrooms.)
7. Churches, synagogues, and related facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
8. Utility substations and related facilities, other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
9. Recreation uses, public and private.
10. Public parks, parkways, playgrounds and related facilities.
11. Boarding, rooming or lodging houses.
12. Public sewer, water supply, water conservation and flood control installations other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
13. Public buildings, such as City Hall, Postal facilities, police and fire substations.
14. Nursery, Day or Child Care Facility. (ORD 3184) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)
15. Cemetery. (See also Section 60.50.25., Uses Requiring Special Regulations, Cemetery, Crematory, Mausoleum, Columbarium.) [ORD 4102; April 2000]
16. Construction of a wireless communication facility tower [ORD 4248; April 2003]

20.05.40.2.B.

17. Direct-to-home satellite service and satellite antennas greater than one (1) meter in diameter. [ORD 4248; April 2003]

C. Prohibited Uses:

1. Mobile home parks.
2. Schools that are customarily commercial in nature, such as business, dancing, karate and other instruction schools are not allowed in the district.
3. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design. [ORD 4248; April 2003]

D. Use Restrictions:

reserved (not currently specified in Development Code.)

E. District Requirements:

reserved (not currently specified in Development Code.)

20.05.50. Site Development Requirements.

1. Minimum Land Area Per Dwelling Unit: [ORD 4224; August 2002]

A. Detached Residential Zoning Districts

RA	5 acres
R10	10,000 square feet
R7	7,000 square feet
R5	5,000 square feet
R4	4,000 square feet [ORD 4047; May 1999]

B. Attached Residential Zoning Districts

R3.5	3,500 square feet [ORD 4107; May 2000]
R2	2,000 square feet [ORD 4107; May 2000]
R1	1,000 square feet [ORD 4107; May 2000]

2. Minimum Lot Dimensions:

(in feet)

	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
A. Width								
1. Corner Lots [ORD 4047; May 1999]	300	90	75	0	40	75	75	110
2. Interior Lots [ORD 4047; May 1999]	300	80	70	0	40	70	70	110
3. R5 Lots that abut property zoned R7 shall have a minimum width of 70 feet. (ORD 3335, ORD 3739) [ORD 4112; June 2000] [ORD 4224; August 2002]								
4. R4 lots that take access from a cul-de-sac, or hammerhead street terminus, or from a flag lot shall be a minimum of 20 feet. [ORD 4047; May 1999] [ORD 4224; August 2002] [ORD 4397; June 2006]								
5. A 24 foot lot width is the minimum required for attached dwellings in the R4 district. [ORD 4047; May 1999] [ORD 4224; August 2002] [ORD 4397; June 2006]								
6. A 18 foot lot width is the minimum required for attached dwellings in the R2 and R1 zoning districts. [ORD 4112;								

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June 2000] [ORD 4224; August 2002] [ORD 4397; June
2006]

20.05.50.2.

- B. Depth: as specified, provided however that no lot depth shall be more than 2 1/2 times the lot width.

	RA	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
1. Corner Lots [ORD 4047; May 1999]	0	110	90	0	80	100	100	100
2. Interior Lots [ORD 4047; May 1999]	0	120	100	0	80	100	100	100

3. Minimum Yard Setbacks:
(in feet)

Minimum yard setback in feet for all dwellings constructed after November 17, 1978; dwellings in existence on November 17, 1978 which do not meet the following setback requirements shall be exempt from the requirements and may be reconstructed, remodeled, or additions made thereto, providing setback regulations in force and effect on November 17, 1978 are followed and no further encroachment into the setback area required by those regulations takes place. (ORD 3293; November, 1982). [ORD 4224; August 2002]

[ORD 4038; March 1999] For the purposes of this section, garage setbacks shall be measured from the elevation containing the garage door to the property line. For all other garage elevations, the building setback applies.

R-4 lots that abut property zoned R5, R7, R10, or RA shall provide the abutting district setbacks for any setback, which abuts that district. [ORD 4047; May 1999]

20.05.50.

3. Minimum Yard Setbacks - continued

	RA	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
A. Front								
1. Dwelling or building [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4112; June 2000]	50	25	20	20	10	10	10	10
2. Garage (ORD 3249; May 1982) [ORD 4047; May 1999] [ORD 4112; June 2000]	50	25	20	20	20	20	20	20
B. Side								
1. One side of dwelling or building [ORD 4038; March 1999] [ORD 4047; May 1999]	20	9	5	5	0* or 5	9	10	10
2. Opposite side of dwelling or building (ORD 3114; April 1979) [ORD 4038; March 1999] [ORD 4047; May 1999]	20	5	5	5	10* or 5	5	10	10
3. Garage [ORD 4038; March 1999] [ORD 4107; May 2000]	20	20	20	20	20	20	20	20

* To qualify for a 0 or 10 foot side yard setback, all dwellings must be detached and meet the requirements of Section 40.30.15.5.C. To qualify for a 0 or 10 foot side yard setback with attached dwellings, the proposal must meet the requirements of Section 40.30.15.5.C. and the requirements of Section 40.15 (Conditional Use). [ORD 4047; May 1999] [ORD 4224; August 2002]

20.05.50.

3. Minimum Yard Setbacks - continued

	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
C. Rear								
1. Dwelling or building [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4107; May 2000]	100	25	25	25	15	15	15	15
2. Garage [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4107; May 2000] [ORD 4365; September 2005]	20	20	20	20	10*	5	10	10
3. Garage with door elevation facing alley* [ORD 4107; May 2000]	n/a	n/a	n/a	n/a	24	24	24	24
* If alley present, setback measured from garage door elevation to opposite side of the alley right of way or access easement line. [ORD 4047; May 1999] [ORD 4107; May 2000] [ORD 4224; August 2002]								
D. Reductions to setback standards:								
1. Dwellings constructed in the RA, R10, R7, R5, and R4 residential districts may be eligible for the following reduced setbacks, subject to approval of an application for Flexible Setbacks (See Section 40.30). (ORD 3249; May 1982) [ORD 4038; March 1999] [ORD 4107; May 2000] [ORD 4224; August 2002]								
a. Front		<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>		
1) Dwelling or building		10	10	10	10	10		
2) Garage		20	20	20	20	20		
b. Side								
1) Dwelling or building		5	5	5	5	5		
2) Garage		20	20	20	20	20		

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c. Rear

1) Dwelling or building	5	5	5	5	5
2) Garage	20	20	20	20	20
3) Garage with door elevation facing alley*	24	24	24	24	24

20.05.50.3.D.1. - continued

(*If alley present, measured from garage door elevation to opposite side of the alley right-of-way or access easement line.) [ORD 4107; May 2000] [ORD 4224; August 2002]

2. [ORD 4038; March 1999] Dwellings constructed in the R-3.5, R-2, and R-1 residential districts may be eligible for the following reduced setbacks, subject to application for Flexible Setbacks (See Section 40.30). [ORD 4224; August 2002]

a. Side*

	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
1) First Story	5	5	5
2) Second Story	7	7	7

* Side yards shall not be reduced adjacent to any lower density district.

- E. Minimum spacing in feet between buildings on the same parcel or in the same development shall be 8 feet. [ORD 4047; May 1999] [ORD 4224; August 2002]

- F. Carports shall meet the same yard setbacks as the dwelling. (ORD 3739)

4. **Maximum Building Height:**
(in feet)

	RA	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
A. Maximum Height without an Adjustment or Variance, except as provided in subsection B. below. (ORD 3587; Jan. 1988) [ORD 4047; May 1999] [ORD 4224; August 2002]	30	30	30	30	40	30	35	60

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The method of measuring building height for structures built under this section is set out in Chapter 90, Definitions.

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20.05.50.

B.	Maximum building height in feet without an Adjustment or Variance for buildings constructed on lots platted and/or annexed after January 1, 1988 that do not abut existing developed residential lots on two or more sides. (ORD 3587) [ORD 4224; August 2002]	<u>R7</u>	<u>R5</u>
		35	35

The method of measuring building height for structures built under this section is set out in Chapter 90, Definitions.

- C. The maximum height for wireless communication facilities inclusive of antennas in all residential zoning districts shall be eighty (80) feet. The maximum height for at-grade equipment shelters for wireless communication facilities in all residential zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

5. Open Space Requirements:

The total amount of the required open space, common recreation area, or both shall be within the parent parcel of the proposed development. The minimum common open space, common recreation area, or both is as follows:

		<u>R2</u>	<u>R1</u>
A.	Square feet per dwelling unit [ORD 4047; May 1999] [ORD 4112; June 2000] [ORD 4224; August 2002]	600	300

20.05.55. Supplemental Development Requirements [ORD 4224; August 2002]

In addition to the site development requirements listed in Section 20.05.50, development in residential zoning districts shall be subject to the following supplemental development requirements:

1. Design Features:

All detached dwellings shall utilize at least two (2) of the following design features (ORD 3899) [ORD 4047; May 1999]:

- | | |
|--------------------------|---|
| A. dormers | K. off-sets on building face or roof (minimum 12) |
| B. recessed entries | L. a roof with a pitch greater than nominal 8:12 |
| C. cupolas | M. covered porch or entry with pillars or posts |
| D. bay or bow windows | N. garage set at least 10 feet behind the front face of the primary dwelling unit |
| E. tile or shake roof | |
| F. gables | |
| G. attached garage | |
| H. window shutters | |
| I. horizontal lap siding | |
| J. eaves (minimum 6) | |

- 2. Extension of Facilities.** [ORD 4061; September 1999] To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of water lines, sanitary and storm sewer lines through applicant's property to the property line of the adjoining or abutting property. Extension of streets shall conform to the requirements of Section 60.55 Transportation Facilities. Facilities required in accordance with this section shall be consistent with the acknowledged Comprehensive Plan. Where physical or topographic conditions make the extension of a facility or facilities impracticable, the City Engineer or designee may require a cash payment to the City in lieu of the extension of the facility or facilities, the amount of which shall be equal to the estimated cost of the extension(s) under more suitable conditions.

[ORD 4332; November 2004]

20.05.60 Required Minimum Residential Density [ORD 4046; May 1999]

New residential development in the RA, R10, R7, R5, R4, R3.5, R2, and R1 zoning districts must achieve at least the minimum density for the zoning district in which they are located. Projects proposed at less than the minimum density must demonstrate on a site plan or other means, how, in all aspects, future intensification of the site to the minimum density or greater can be achieved without an adjustment or variance. [ORD 4071; October 1999] If meeting the minimum density will require the submission and approval of an adjustment or variance application(s) above and beyond application(s) for adding new primary dwellings or land division of property, meeting minimum density shall not be required. [ORD 4111; June 2000] [ORD 4224; August 2002]

For the purposes of this section, new residential development shall mean intensification of the site by adding new primary dwelling(s) or land division of the property. New residential development is not intended to refer to additions to existing structures, rehabilitation, renovation, remodeling, or other building modifications or reconstruction of existing structures. [ORD 4224; August 2002]

Minimum residential density is calculated as follows: [ORD 4224; August 2002]

1. Refer to the definition of Acreage, Net. Multiply the net acreage by 0.80.
2. Divide the resulting number in step 1 by the minimum land area required per dwelling for the applicable zoning district to determine the minimum number of dwellings that must be built on the site.
3. If the resulting number in step 2 is not a whole number, the number is rounded to the nearest whole number as follows: If the decimal is equal to or greater than 0.5, then the number is rounded up to the nearest whole number. If the decimal is less than 0.5, then the number is rounded down to the nearest whole number.

20.10. COMMERCIAL LAND USE DISTRICTS**20.10.05. Community Service Districts: CS**

1. **Purpose.** The Community Service or "CS" District is intended to provide for businesses compatible with and of similar scale to existing commercial activity found principally along Beaverton-Hillsdale Highway, Canyon Road, T.V. Highway, Cedar Hills Boulevard, Sunset Highway and Highway 217. [ORD 3975, February 1997]

2. **District Standards and Uses.** CS Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Retail trade.
2. Services: e.g., personal; business; professional; amusement and recreation; educational (including public and private); equipment rental; and other similar services as determined by the Director. When an interpretation is discretionary, notice shall be provided in accordance with Section 50.40. (ORD 3739)
3. Churches; social or fraternal organizations.
4. Parks and playgrounds.
5. Detached dwellings. [ORD 4224; August 2002]
6. Attached dwellings. [ORD 4224; August 2002]
7. Eating or drinking establishments.
8. Financial institutions.
9. Automotive services, Minor.
10. Residential Care Facilities. [ORD 4036; March 1999]

20.10.05.2.A.

11. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]
12. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
13. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
14. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
15. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
16. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
17. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. [ORD 3969, December 1996] Hotels and extended stay hotels which are located on a lot or parcel adjoining U.S. Highway 26, Canyon Road, Tualatin Valley Highway or Oregon State Highway 217, subject to the following:

20.10.05.2.B.1.

- a. It shall be located on the portion of the lot immediately adjoining the highway.
 - b. Signage is allowed as per Section 60.40.35.3 of this code. However, only one freestanding sign, up to 32 square feet per face, 64 square feet for all four faces combined or one wall sign up to 64 square feet may orient toward an abutting arterial or regional traffic route.
 - c. Signage shall not be allowed for auxiliary uses such as restaurants, meeting rooms, etc.
 - d. Auxiliary uses such as restaurants and meeting rooms shall be designed to meet the needs of the guests of the facility and not the general public.
2. Automotive services, Major.
 3. Uses operating between 10:00 p.m. and 7:00a.m. [ORD 4071; October 1999]
 4. Construction of a wireless communication facility tower [ORD 4248; April 2003]
 5. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
 6. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Mobile home parks and subdivisions. (ORD 3739)
2. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

20.10.05.2.

D. Use Restrictions:

Uses shall be subject to the following (excludes parks and playgrounds): (ORD 3352)

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for day care and school facilities and as allowed in item 2., below. (ORD 3352)
2. Accessory open air sales/display/storage shall constitute no more than 5% of the gross building floor area of any individual establishment.

E. District Requirements:

1. There is no Minimum Area for a new Zoning District.
2. There is no Maximum Area for a new Zoning District.

[ORD 3975, February 1997]

20.10.10. Convenience Service Districts: CV

1. **Purpose.** The Convenience Service Centers or "CV" District is intended for the development of small convenience and service facilities.
2. **District Standards and Uses.** CV Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Retail trade.
2. Services: e.g., personal; business; professional; amusement and recreation; educational (including public and private); equipment rental; and other similar services as determined by the Director. When an interpretation is discretionary, notice shall be provided in accordance with Section 50.40. (ORD 3739)
3. Churches; social or fraternal organizations.
4. Financial institutions.
5. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
6. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
7. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
8. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]

20.10.10.2.A.

9. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
10. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Automotive services, Minor.
2. Uses operating between 10:00 p.m. and 7:00 a.m.
3. Construction of a wireless communication facility tower.
4. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
5. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Auto, boat and other motor vehicles sales; trailer or mobile home sales/rentals.
2. Mobile home parks and subdivisions. (ORD 3739)
3. Eating or drinking establishments.
4. Temporary living quarters.
5. Automotive services, Major.

20.10.10.2.C.

6. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

D. Use Restrictions:

Uses shall be subject to the following (excludes parks and playgrounds): (ORD 3352)

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for day care and school facilities and as allowed in item 2., below. (ORD 3352)
2. Accessory open air sales/display/storage shall constitute no more than 5% of the gross building floor area of any individual establishment.

E. District Requirements:

1. The Minimum Area for a New Zoning District is 1/4 Acre.
2. The Maximum Area for a New Zoning District is 1/2 Acre.
3. CV Districts shall be spaced at least one-half mile from another CV commercial district. [ORD 4071; October 1999]

[ORD 3975, February 1997]

20.10.15. General Commercial Districts: GC

1. **Purpose.** The General Commercial or "GC" District is intended to provide an area for businesses that require extensive outdoor storage and/or display of merchandise, equipment or inventory.
2. **District Standards and Uses.** GC Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Retail trade.
2. Services: e.g., personal; business; professional; amusement and recreation; educational (including public and private); equipment rental; and other similar services as determined by the Director. When an interpretation is discretionary, notice shall be provided in accordance with Section 50.40. (ORD 3739)
3. Churches; social or fraternal organizations.
4. Parks and playgrounds.
5. Detached dwellings. [ORD 4224; August 2002]
6. Attached dwellings. [ORD 4224; August 2002]
7. Eating or drinking establishments.
8. Temporary living quarters.
9. Financial institutions.
10. Automotive services, Minor.
11. Residential Care Facilities. [ORD 4036; March 1999]
12. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]

20.10.15.2.

13. Vehicle Sales, Lease or Rental. [ORD 4071; October 1999]
[ORD 4224; August 2002]
14. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
15. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
16. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
17. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
18. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
19. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
20. Self Storage Facilities [ORD 4354; June 2005]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Automotive services, Major.

2. Uses operating between 10:00 p.m. and 7:00 a.m. and abutting a residential zone. [ORD 4071; October 1999]
3. Construction of a wireless communication facility tower [ORD 4248; April 2003]
4. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
5. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Mobile home parks and subdivisions. (ORD 3739)
2. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

D. Use Restrictions:

None identified for these uses.

E. District Requirements:

1. There is no Minimum Area for a new Zoning District.
2. There is no Maximum Area for a new Zoning District.

[ORD 3975, February 1997]

20.10.20. Neighborhood Service Center Districts: NS

1. **Purpose.** The Neighborhood Service Centers or "NS" District is intended to provide areas that will meet the frequent needs of nearby residents. [ORD 3975, February 1997]
2. **District Standards and Uses.** NS Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Retail trade.
2. Services: e.g., personal; business; professional; amusement and recreation; educational (including public and private); equipment rental; and other similar services as determined by the Director. When an interpretation is discretionary, notice shall be provided in accordance with Section 50.40. (ORD 3739)
3. Churches; social or fraternal organizations.
4. Eating or drinking establishments.
5. Financial institutions.
6. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
7. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, and traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
8. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]

20.10.20.2

9. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
10. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
11. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Automotive services, Major.
2. Automotive services, Minor.
3. Uses operating between 10:00 p.m. and 7:00 a.m. [ORD 4071; October 1999]
4. Construction of a wireless communication facility tower meeting or exceeding the maximum height of the underlying zoning district [ORD 4248; April 2003]
5. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
6. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Auto, boat, motorcycles, and other motor vehicle sales; trailer or mobile home sales/rentals. (ORD 3739)

20.10.20.2.C.

2. Mobile home parks and subdivisions. (ORD 3739)
3. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

D. Use Restrictions:

Uses shall be subject to the following (excludes parks and playgrounds): (ORD 3352)

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for day care and school facilities and as allowed in item 3., below. (ORD 3352)
2. Excluding food stores, individual establishments shall not exceed 15,000 square feet gross floor area.
3. Accessory open air sales/display/storage shall be permitted for horticultural and food merchandise only and shall constitute no more than 5% of the gross building floor area of any individual establishment.
4. No freestanding office structure or group of office structures shall exceed a combined total of 15,000 sq. ft.

E. District Requirements:

1. The Minimum Area for a New Zoning District is 4 Acres.
2. The Maximum Area for a New Zoning District is 12 Acres.
3. NS districts shall be spaced at least one mile from another NS district. [ORD 4071; October 1999]
4. NS districts shall be located on arterial or major collector streets, preferably at the intersections of such streets, unless traffic studies show that a non-intersection location is or can be made conveniently accessible, safe, and compatible with the surrounding neighborhood.

[ORD 3975, February 1997]

20.10.25. Office Commercial Districts: OC

1. **Purpose.** The Office Commercial or "OC" District is intended for a mixing of professional offices and other compatible commercial purposes with medium and high density residential uses.
2. **District Standards and Uses.** OC Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Office uses engaged in providing services to the general public: e.g., medical, real estate, insurance; and similar services as approved by the Director. When an interpretation is discretionary, notice shall be provided in accordance with Section 50.40. (ORD 3739)
2. Detached or attached dwellings, provided, however, that only 50% of the contiguous area within any office commercial zone may be developed residentially. (ORD 3688) [ORD 4224; August 2002]
3. Educational institutions which do not abut a residential zone. This type of use includes public, private, or parochial academic schools, colleges, universities, vocational and trade schools. (ORD 3622)
4. Residential Care Facilities. [ORD 4036; March 1999]
5. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]
6. Financial Institutions. [ORD 4111; June 2000]
7. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]

20.10.25.2.A.

8. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
9. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
10. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
11. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
12. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Eating or drinking establishments
2. Rental businesses
3. Educational institutions which abut a residential zone. This type of use includes public, private, or parochial academic schools, colleges, universities, vocational and trade schools. (ORD 3622)
4. Construction of a wireless communication facility tower [ORD 4248; April 2003]

20.10.25.2.B.

5. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
6. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Retail businesses
2. Temporary Living Quarters
3. Taverns, bars or other uses that principally sell alcoholic beverages.
4. Mobile home parks and subdivisions. (ORD 3739)
5. Automotive Services, Major
6. Automotive Services, Minor
7. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

D. Use Restrictions:

1. Conditional Uses shall be subject to the condition that the activity is conducted wholly within an enclosed structure, with the exception of outside play or activity areas related to educational institutions. (ORD 3622)

E. District Requirements:

1. The Minimum Area for a New Zoning District is 2 Acres.
2. There is no Maximum Area for a new Zoning District.

[ORD 3975, February 1997]

Commercial: Site Development

20.10.50. Site Development Requirements.

	<u>NS</u>	<u>GC</u>	<u>CS</u>	<u>CV</u>	<u>OC</u>
1. Minimum Lot Area: (in Square Feet)	7,000	7,000	7,000	7,000	7,000
2. Minimum Lot Dimensions: (in feet)					
A. Width	70	70	70	70	70
B. Depth	100	100	100	100	100
3. Minimum Yard Setbacks: (in feet)					
A. Front	20	20	20	20	20
B. Side					
1. Interior	10	10	10	10	10
2. Corner Lot	20	20	20	20	20
C. Rear (only if next to a residential zone)	20	20	20	20	20

[ORD 4075; November 1999] [ORD 4265; September 2003]

- D. Reduction to setback standards. Under conditions outlined in Section 40.30, applications may be made for zero side yard setbacks. (ORD 3494)
- E. [ORD 4397; July 2006] Under the conditions outlined in Section 60.05.15.6, buildings in commercial zones located on parcels that exceed 60,000 square feet shall be exempt from Section 20.10.50.3.A, minimum setbacks, and shall have a maximum setback of twenty (20) feet.

4. Maximum Building Height:
(in feet)

[ORD 4075; November 1999]	<u>NS</u>	<u>GC</u>	<u>CS</u>	<u>CV</u>	<u>OC</u>
A. Maximum Height	25	35	35	30	30
[ORD 4224; August 2002] [ORD 4265; September 2003]					

- B. The maximum height for wireless communication facilities inclusive of antennas in all commercial zoning districts shall be one hundred (100) feet. The maximum height for at-grade equipment shelters for wireless communication facilities in all commercial zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

20.10.55. Supplemental Development Requirements [ORD 4224; August 2002]

In addition to the site development requirements listed in Section 20.10.50, development in commercial zoning districts shall be subject to the following supplemental development requirements:

1. **Extension of Facilities.** [ORD 4061, September 1999] To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of water lines, sanitary and storm sewer lines through applicant's property to the property line of the adjoining or abutting property. Extension of streets shall conform to the requirements of Section 60.55 Transportation Facilities. Facilities required in accordance with this section shall be consistent with the acknowledged Comprehensive Plan. Where physical or topographic conditions make the extension of a facility or facilities impracticable, the City Engineer or designee may require a cash payment to the City in lieu of the extension of the facility or facilities, the amount of which shall be equal to the estimated cost of the extension(s) under more suitable conditions.
2. **Open Air Display:** Where permitted, open air sales/display/storage of merchandise shall be setback at least 20 feet from the front property line. The area shall be designated and subject to Board of Design Review approval.

[ORD 4332; November 2004]

20.10.60 Method for Calculating Minimum Residential Density [ORD 4046; May 1999]

New residential development in the CS, GC, and OC zoning districts must comply with the minimum density calculated below. Attached dwellings must calculate minimum density using 1,000 square feet as the minimum land area per dwelling unit in step 2 below. Detached dwellings must calculate minimum density using 4,000 square feet as the minimum land

Commercial: Site Development

area per dwelling unit in step 2 below. Projects proposed at less than the minimum density must demonstrate on a site plan or other means how, in all 20.10.60.

aspects, future intensification of the site to the minimum density or greater can be achieved without an adjustment or a variance. [ORD 4071; October 1999] If meeting the minimum density will require the submission and approval of an adjustment or variance application(s) above and beyond application(s) for adding new primary dwellings or land division of property, meeting minimum density shall not be required. [ORD 4111; June 2000] [ORD 4224; August 2002] [ORD 4265; September 2003]

For the purposes of this section, new residential development shall mean intensification of the site by adding new primary dwelling(s) or land division of the property. New residential development is not intended to refer to additions to existing structures, rehabilitation, renovation, remodeling, or other building modifications or reconstruction of existing structures. [ORD 4224; August 2002]

Minimum residential density is calculated as follows: [ORD 4224; August 2002]

1. Refer to the definition of Acreage, Net. Multiply the net acreage by 0.80.
2. Divide the resulting number in step 1 by the minimum land area required per dwelling of the applicable zoning district to determine the minimum number of dwellings that must be built on the site.
3. If the resulting number in step 2 is not a whole number, the number is rounded to the nearest whole number as follows: If the decimal is equal to or greater than 0.5, then the number is rounded up to the nearest whole number. If the decimal is less than 0.5, then the number is rounded down to the nearest whole number.

20.15. INDUSTRIAL LAND USE DISTRICTS

20.15.05. Campus Industrial Districts: CI

1. **Purpose.** The Campus Industrial or "CI" District is intended to provide areas for combining of light manufacturing, office and limited retail uses in an "employment activity center" concept.
2. **District Standards and Uses.** CI Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Transit stations and stops exclusive of terminals or transit storage areas.
2. Railroad tracks and facilities such as switching yards, spur or holding tracks and freight depots, but not within 200 feet of a residential zone.
3. Accessory uses and structures to a particular permitted use, including administrative offices.
4. Public parks and recreational facilities, exclusive of spectator sports facilities.
5. Up to 100 percent of the land area in a Development Control Area may provide for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities. These uses shall meet all of the following restrictions:
 - a. Activities are entirely enclosed within a building or structure whose appearance is compatible with normal industrial or office building design.
 - b. Odors, noise, vibrations or other emissions are controlled within the confines of the building or structure.

20.15.05.2.A.5.

- c. Are not for servicing or use by the general public.
 - d. Do not entail outdoor storage of raw materials or finished products.
 - e. Do not entail movement of heavy equipment on and off the site, except truck deliveries.
 - f. Do not involve bringing live animals or the waste or by product of dead animals to the site. [ORD 4071; October 1999]
 - g. Do not involve outdoor testing of products or processes on the site.
 - h. Do not involve highly combustible, explosive or hazardous materials or waste.
 - i. Examples of uses which normally meet all of the above characteristics include but are not limited to: printing, publishing and allied arts, communications equipment, electronic components, measuring, analyzing and controlling instruments manufacturing.
6. Up to 60 percent of the land area in a Development Control Area may be devoted to uses which provide office employment activities and/or services to employees and establishments within an industrial park, including:
- a. General Administrative offices of public agencies, industries and commercial businesses, excluding services offered on premises to individuals or the general public.
 - b. Services to businesses, including advertising, personnel services, building maintenance services, data processing and accounting.
 - c. Technical, professional, vocational and business schools except public elementary, secondary or full curricula colleges and universities.

20.15.05.2.A.6.

- d. Job training and vocational rehabilitation services.
- e. Child care services. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)
- f. Business associations, professional membership organizations, labor unions and similar organizations.
- g. Engineering, architectural and surveying services.
- h. Mail order houses, wholesale or retail, exclusive of on-site sales to the public.
- i. Public utilities and services other than those offering on premises services to individuals or the general public.
- j. Financial Institutions
- k. Privately owned parks and recreational facilities such as golf courses, racquetball or handball clubs, tennis courts or swimming pools exclusive of spectator sports facilities.
- l. Non-commercial, educational, scientific and research organizations including laboratories.
- m. Equipment rental agencies, exclusive of trucks, vehicles or heavy equipment.
- n. Research and development activities.
- o. Industrial and professional equipment and supply stores, including service and repair of same.

20.15.05.2.A.6.

- p. Other uses which in the determination of the Director are within the intent and purpose of the CI District as stated in the Comprehensive Plan and this ordinance, and are intended to serve primarily employees and businesses within a CI District, and only incidentally, the general public. When an interpretation is discretionary, notice shall be provided in accordance with Section 50.40. (ORD 3739)
- 7. Up to 10 percent of the land area in a Development Control Area may be devoted to retail businesses offering products or services. (ORD 3785) Permitted Uses are subject to the following limitations:
 - a. Free standing retail businesses offering products or services that have no more than 15,000 square feet of building area. (ORD 3785)
 - b. A combination of retail business or businesses, offering products or services to the extent that such business or businesses equals less than 40,000 square feet of building area. (ORD 3785)
 - c. Other uses which are in the determination of the Director are within the intent and purpose of the CI district as stated in the Comprehensive Plan and this ordinance area allowed. When an interpretation is discretionary, notice shall be provided in accordance with Section 50.40. (ORD 3785)
- 8. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
- 9. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]

20.15.05.2.A.

10. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
11. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
12. Up to and including two (2) satellite antennas less than five (5) meters in diameter on one (1) lot [ORD 4248; April 2003]
13. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Heliports. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Aircraft Landing Facilities.)
2. Facilities related to utility distribution, such as substations, water towers, pump stations, other transmission lines or power plants.
3. The following uses may be allowed within the 10 percent of the land area in a Development Control Area which may be devoted to retail businesses offering products or services, (ORD 3785) subject to the following limitations:

20.15.05.2.B.3.

- a. Free standing retail businesses offering products or services that have more than 15,000 gross square feet but less than 60,000 gross square feet of building area. (ORD 3785) [ORD 4186; January 2002]
- b. A combination of retail business or businesses, offering products or services to the extent that such business or businesses equals over 40,000 gross square feet but less than 60,000 gross square feet of building area. (ORD 3785) [ORD 4186; January 2002]
- c. Hotels, and extended stay hotels [ORD 3958, June 1996], subject to the following additional criteria: (ORD 3569)
 - (1) Within a CI District with at least fifty percent of the Development Control Area developed.
 - (2) Site size a minimum of two acres and a maximum of five acres.
 - (3) Vehicular access only from internal streets to the District, not from an abutting arterial or regional traffic route.
 - (4) Signage is allowed as per Section 60.40.35.3 of this code. However, only one freestanding sign, up to 32 square feet per face, 64 square feet for all faces combined or one wall sign up to 64 square feet may orient toward an abutting arterial or regional traffic route.
 - (5) Signage shall not be allowed for auxiliary uses such as restaurants, meeting rooms, etc.
 - (6) Auxiliary uses such as restaurants and meeting rooms shall be designed to meet the needs of the guests of the facility and not the general public.

20.15.05.2.B.3.

d. Bulk retail uses as defined by Chapter 90 are allowed conditionally subject to the following criteria (ORD 3825):

- (1) Bulk retail shall not abut an existing residential zone except in those areas where the abutting residential zone is not developable for residential uses.
- (2) Signs are allowed in accordance with Section 60.40.35.3 of this code. However, only one freestanding sign, up to 32 square feet per face, 64 square feet for all faces combined or one wall sign up to 64 square feet may orient toward an abutting arterial or regional traffic route.
- (3) There will be no more than one Bulk Retail use within any single Development Control Area in the Campus Industrial zone.
- (4) There must be a minimum five-acre lot size to accommodate the use.

[ORD 3975, February 1997]

e. Eating and Drinking Establishments [ORD 4265; September 2003]

4. Construction of a wireless communication facility tower [ORD 4248; April 2003]
5. Attachment of a new wireless communication facility to an existing or new privately-or publicly owned building or structure that does not utilize stealth design [ORD 4248; April 2003]
6. More than two (2) satellite antennas five (5) meters or greater in diameter on one (1) lot [ORD 4248; April 2003]
7. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

20.15.05.2.

C. Prohibited Uses:

1. Mobile home parks and subdivisions. (ORD 3739)
2. Retail businesses for which equipment or products are stored or displayed outdoors. (ORD 3785)
3. Automotive services, Minor or Major.
4. Eating or drinking establishments with drive-through windows.

D. Use Restrictions:

reserved. (not currently specified in Development Code.)

E. District Requirements:

1. The Minimum Area for a new Zoning District is 25 acres.

In instances involving annexation, the Director may authorize a minimum district area of less than 25 acres when it is determined that abutting land outside the City has a similar land use designation and that the area will develop as an employment center. For requests involving zone amendments, Council may approve a minimum district area of less than 25 acres when a similar determination is made. However, for purposes of determining the applicable Development Control Area, only that land area actually within the City shall be considered. (3475)

2. There is no Maximum Area for a new Zoning District.

20.15.10. Industrial Park Districts: IP

1. **Purpose.** The Industrial Park District or “IP” District is intended to provide sites for manufacturing, distribution and industrial uses.
2. **District Standards and Uses.** IP Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Manufacturing, fabricating, processing, packing or storage except the uses detailed in C.1. and C.2., which are prohibited in the districts.
2. Wholesale and distributive activities.
3. Public services or utility uses, including vehicle storage and, incidental service and repair. [ORD 4093; March 2000]
4. Research laboratory.
5. Public parks, parkways, recreation facilities, trails and related facilities.
6. Administrative, employee physical fitness, educational and other related activities and facilities subordinate to a permitted use. (ORD 3136; October 1979)
7. Cold storage plants.
8. Equipment sales, including incidental service and repair (excludes retail sales of specific items on display).
9. Fuel oil distributors.
10. Printing, publishing and book binding.

20.15.10.2.A.

11. Processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, laundries, carpet and rug cleaning plants, cleaning and dyeing plants, tire retreading, recapping and rebuilding.
12. Storage yard for building materials; except bulk materials such as sand, gravel and the like are not permitted in the IP zone.
13. Trailer, recreational vehicle or boat storage only.
14. Accessory structures and uses to a particular permitted use.
15. Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots but not within 200' of a residential zone.
16. Office uses existing at the effective date of this ordinance or vested by this ordinance, subject to the provisions of Section 30.15.
17. Nursery, day or child care facility (ORD 3184; July 1980) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)
18. Surface parking lots as principal use (ORD 3204; January 1981) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)
19. Privately owned recreational facilities such as fitness clubs, racquetball or handball clubs, tennis courts or swimming pools exclusive of spectator sports facilities. (ORD 3739)
20. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]

20.15.10.2.

21. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
22. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
23. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
24. Up to and including two (2) satellite antennas less than five (5) meters in diameter on one (1) lot [ORD 4248; April 2003]
25. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Heliport (See also Special Use Regulations Section, Uses Requiring Special Regulations - Aircraft Landing Facilities.)
2. Facilities related to utility distribution such as substations, water towers, pump stations, other than transmission lines.
3. Motor freight terminal.
4. Eating or drinking establishments. [ORD 3975, February 1997]

20.15.10.2.B.

5. Salvage yards.
6. Planned Unit Developments.
7. Equipment rental agencies (ORD 3136; October 1979)
8. Auto, truck and trailer rental agencies (ORD 3162; March 1980)
9. Self Storage Facilities [ORD 4354; June 2005]
10. Parking structures (ORD 3204; January 1981). (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)
11. Solid Waste Transfer Stations (ORD 3499)
12. Construction of a wireless communication facility tower [ORD 4248; April 2003]
13. Attachment of a new wireless communication facility to an existing or new privately-or publicly owned building or structure that does not utilize stealth design [ORD 4248; April 2003]
14. More than two (2) satellite antennas five (5) meters or greater in diameter on one (1) lot [ORD 4248; April 2003]
15. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Any use having the primary function of storing, utilizing or manufacturing explosive materials.
2. Any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar or yeast.
3. Retail or combination retail-wholesale lumber and/or building materials yard, not including concrete mixing.

20.15.10.2.C.

4. Storage or sale yard for contractors equipment, house mover, delivery vehicles, trucking terminal, used equipment in operable condition, and transit storage, except for public transit vehicles. [ORD 4093; March 2000]
5. Trailer sales or repair.
6. Eating or drinking establishments providing drive-in (windows) or take-out serving market areas outside the Industrial Park District. [ORD 3975, February 1997]
7. Automotive Services, Major or Minor [ORD 3975, February 1997]
8. Mobile home parks and subdivisions. (OED 3739)

D. Use Restrictions:

reserved. (not currently specified in Development Code.)

E. District Requirements:

1. There is no Minimum Area for a new Zoning District.
2. There is no Maximum Area for a new Zoning District.

20.15.15. Light Industrial Districts: LI

1. **Purpose.** The Light Industrial District or "LI" District is intended to provide for general industrial activities which require processing, fabrication and storage, including outdoor storage areas, heavy equipment and other uses not compatible in Industrial Park or Campus Industrial areas.
2. **District Standards and Uses.** LI Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Manufacturing, fabricating, processing, packing or storage uses except any use having the primary function of storing, utilizing or manufacturing explosive materials.
2. Wholesale and distributive activities.
3. Public service or utility uses other than those providing on premise services to individuals or the general public.
4. Research laboratory.
5. Public parks, parkways, recreational facilities, trails and related facilities.
6. Administrative, educational and other related activities and facilities subordinate to a permitted use on the same premises as the principal use.
7. Cold storage plants.
8. Heavy equipment sales, including incidental service and repair.
9. Fuel oil distributors.
10. Printing, publishing and book binding.
11. Retail or combination retail/wholesale lumber and/or building materials yard.

20.15.15.2.A.

12. Storage or sale yard for contractors equipment, house moving, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition. [ORD 4071; October 1999]
13. Storage yard for building materials.
14. Trailer, recreational vehicle or boat storage.
15. Accessory structures and uses to a particular permitted use.
16. Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots but not within 200 feet of a residential zone.
17. Auto, truck and trailer rental.
18. Self Storage Facilities [ORD 4354; June 2005]
19. Nursery, daycare facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)
20. Automotive services, Minor or Major, entirely within enclosed building. [ORD 3975, February 1997]
21. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
22. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
23. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]

20.15.15.2.A.

24. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
25. Up to and including two (2) satellite antennas less than five (5) meters in diameter on one (1) lot [ORD 4248; April 2003]
26. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

- B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable) [ORD 3975, February 1997]

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Heliport. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Aircraft Landing Facilities.)
2. Facilities relating to utility distribution such as substations, water towers, pump stations and other transmission lines.
3. Concrete mixing and asphalt batch plants.
4. Trailer sales or repair.
5. Eating or drinking establishments. [ORD 3975, February 1997]
6. Salvage yards and recycling centers.
7. Office uses as principal uses up to 15 percent of the total land area of an "LI" District. These uses shall be of the same type as listed in Section 20.15.05.2.A.6. and area limitations shall be calculated according to Section 20.15.60.3 [ORD 4071; October 1999]

20.15.15.2.B.

8. Surface parking lot or parking structure as a principal use. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)
9. Motor Freight Terminal.
10. Vehicle Storage Yards. (ORD 3314, April 1983)
11. Solid Waste Transfer Station. (ORD 3499)
12. Construction of a wireless communication facility tower [ORD 4248; April 2003]
13. Attachment of a new wireless communication facility to an existing or new privately-or publicly owned building or structure that does not utilize stealth design [ORD 4248; April 2003]
14. More than two (2) satellite antennas five (5) meters or greater in diameter on one (1) lot [ORD 4248; April 2003]
15. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Mobile home parks and subdivisions. (ORD 3739)
2. Eating or drinking establishments providing drive-in (windows) or take-out serving market areas outside the Light Industrial District. [ORD 3975, February 1997]

D. Use Restrictions:

reserved. (not currently specified in Development Code.)

E. District Requirements:

1. There is no Minimum Area for a new Zoning District.
2. There is no Maximum Area for a new Zoning District.

20.15.50. Site Development Requirements.

	<u>CI</u>	<u>LI</u>	<u>IP</u>
1. Minimum Lot Area: (in Square Feet)	None	None	None
2. Minimum Lot Dimensions: (in feet)			
A. Width	None	None	None
B. Depth	None	None	None
3. Minimum Yard Setbacks: (in feet)			
A. Front	35	35	35
B. Side	10	10	10
C. Rear	None	None	None
D. Reduction to setback standards. Under the thresholds outlined in Section 40.30.5, application may be made for zero side yard setbacks. (ORD 3494) [ORD 4224; August 2002]			
E. Any yard abutting residentially developed property or developable property in a residential zone shall have a minimum setback of 75 feet (ORD 3549)			
F. No side or rear yard setbacks required where side or rear property lines abut a railroad right-of-way or spur track.			
4. Maximum Building Height: (in feet)			
A. Maximum building height except as provided by Section 60.50.10 of this ordinance	45'	45'	45'

20.15.50.4.

- B. The maximum height for wireless communication facilities inclusive of antennas in all industrial zoning districts shall be one hundred twenty (120) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all industrial zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

	<u>CI</u>	<u>LI</u>	<u>IP</u>
5. Maximum Lot Coverage:	60%	60%	60%
6. Public parks: Public parks, parkways, recreation facilities, trails and related facilities are exempt from these site development requirements.			

20.15.55. Supplemental Development Requirements [ORD 4224; August 2002]

In addition to the site development requirements listed in Section 20.15.50, development in industrial zoning districts shall be subject to the following supplemental development requirements:

- 1. Off Street Parking and Loading.** In addition to the provisions of Section 60.25 (Off-Street Loading) and Section 60.30 (Off-Street Parking), the following shall apply to all development in industrial zoning districts.
 - A. No parking shall be allowed within the first 20 feet of the front yard setback. Parking shall be permitted within side or rear yard setbacks; provided, however, when the side and/or rear yards abut a residentially developed property or developable property in a residential zoning district there shall be no parking within the first 20 feet of the setback. (ORD 3549)
 - B. In addition to the requirements of Section 60.25, off-street loading shall not be permitted within side or rear yard setbacks abutting a residentially developed property or developable property in a residential zoning district or within front yard setbacks abutting any residentially developed property or developable property in a residential zoning district unless the setback is increased to 75 feet and the first 20 feet from the property line is landscaped or screened. (ORD 3549)
- 2. Extension of Facilities.** [ORD 4061, September 1999] To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of water lines, sanitary and storm sewer lines through applicant's property to the property line of the adjoining or abutting property. Extension of streets shall conform to the requirements of Section 60.55 Transportation Facilities. Facilities required in accordance with this section shall be consistent with the acknowledged Comprehensive Plan. Where physical or topographic conditions make the extension of a facility or facilities impracticable, the City Engineer or designee may require a cash payment to the City in lieu of the extension of the facility or facilities, the amount of which shall be equal to the estimated cost of the extension(s) under more suitable conditions.

20.15.55.

3. **Adjacent Residential Zoning District(s).** No service roads, spur trackage, hardstands, outside storage areas, etc. shall be permitted within required yards adjacent to residential zoning district(s).
4. **Required Conditions.** The following is required for development within the Campus Industrial, Industrial Park and Light Industrial zoning districts:
 - A. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building unless screened by a sight-obscuring fence or wall.
 - B. Motor vehicle, boat, or trailer storage lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscaped areas.
 - C. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards. All areas for storage of waste shall be fully screened.

[ORD 4332; November 2004]

20.15.60 Development Control Areas [ORD 4224; August 2002]

1. There shall be established five (5) development control areas in which the area use limitations established in Sections 20.15.05.2.A.5 through 7, Section 20.15.05.2.B.3, and Section 20.15.15.2.B.7 shall apply. These development control areas are: [ORD 4107; May 2000]
 - A. Area 1 is that area lying north of Tualatin Valley Highway, west of Hocken Avenue, south of Jenkins Road, and east of the Bonneville Power Administration Powerline and Millikan Boulevard. [ORD 4107; May 2000]
 - B. Area 2 is that area lying north of Scholls Ferry Road, west of Highway 217, south of Fifth Street, and east of Alger Street, King Boulevard, and Fanno Creek. [ORD 4107; May 2000]
 - C. Area 3 is that area lying north of Denney Road, west of Scholls Ferry Road, Arrowwood Lane, and Jamieson Road, south of Beaverton Hillsdale Highway, and east of Highway 217. (ORD 3494) [ORD 4107; May 2000]

20.15.60.1.

- D. Area 4 is that area lying north of Walker Road, west of Murray Boulevard, south of Cornell Road and Highway 26, east of 173rd Avenue. (ORD 3494) [ORD 4107; May 2000]
 - E. Area 5 is that area lying north of Baseline Road, the Westside MAX light rail line, Merlo Road, and Jenkins Road, west of Murray Boulevard, south of Walker Road, and east of 185th Avenue and 170th Avenue. (ORD 3739) [ORD 4107; May 2000]
2. Areas not part of the Areas 1, 2, 3, 4, or 5 described above which may be rezoned CI (Campus Industrial) or which may be annexed to the City and zoned CI pursuant to Section 10.40 shall be added to an existing development control area or be established as a new development control area based upon the following criteria: (ORD 3494) (ORD 3739) [ORD 4107; May 2000]
- A. The size of the newly zoned or annexed area in relation to the purpose of the CI zoning district.
 - B. The proximity of the newly zoned or annexed area to existing CI zoning district development control areas.
 - C. The present or proposed use of the area in question.
 - D. The degree of development of existing development control areas.
3. Calculations for uses permitted under Sections 20.15.05.2.A.5 through 7, Section 20.15.05.2.B.3, and Section 20.15.15.2.B.7, shall be based on net acreage and determined as follows:
- A. For a development proposal(s) within the CI zoning district, all property zoned CI within the Development Control Area shall be included in area calculations.
 - B. For a development proposal(s) within the LI zoning district, all property zoned LI within the Development Control Area shall be included in area calculations.
 - C. An entire lot utilized for a single use shall be debited against a maximum area limitation for that use.
 - D. In cases where a single lot contains a mixture of uses, the area utilized by any one use shall be the proportion the use occupies to the total area of the lot.

20.15.65. Performance Standards.

1. **Vibration.** No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
2. **Odors.** The emission of odorous gasses or matter as to be readily detectable at any point beyond the property line is prohibited.
3. **Heat and Glare.** Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
4. **Administration and Enforcement.** Prior to the City taking any action on a Type 1, Type 2, or Type 3 application or the issuance of an occupancy permit, information sufficient to determine the degree of compliance with the standards in this subsection shall be furnished by the applicant. Such request may include continuous records of operations, for periodic checks to assure maintenance of standards, or for special surveys. [ORD 4224; August 2002]

20.20. MULTIPLE USE DISTRICTS. [ORD 3998, December 1997; ORD 4005, January 1998]

- 1. Purpose.** Multiple Use Districts are appropriate for the downtown area, town centers, main streets and corridors, as defined in the Metro Urban Growth Management Functional Plan and the Regional Urban Growth Goals and Objectives (RUGGO) with high transit and pedestrian accessibility. Multiple Use Districts are urban neighborhoods containing a variety and intermixing of uses and seeking to complement the established surrounding communities. In order to accomplish these purposes, a variety of land use designations may be applied within the boundaries of Multiple Use Districts. Such land use designations permit commercial, residential, limited industrial and multiple use developments and are distinguished by differences in emphasis on primary uses and intensity of development. These land use designations are designed to work together to result in lively, prosperous neighborhoods that serve as attractive places to live, work, shop, and recreate with less reliance on the automobile than is typical elsewhere in the City. [ORD 4224; August 2002]
- 2. Multiple Use Areas.** The areas of the City that are designated as multiple use are as follows: [ORD 4224; August 2002]

 - A. The South Tektronix Station Community is comprised of properties within the area generally north of Tualatin Valley Highway, west of Hocken, south of SW Millikan Way and east of SW Murray Boulevard as depicted on Map 20.20.60-3.
 - B. The Beaverton Creek Station Community is comprised of properties within the area generally north of SW Millikan Boulevard, west of SW Murray Boulevard and the railroad spur, south of SW Jenkins Road, and east of SW 153rd Drive.
 - C. The Merlo Station Community is comprised of properties within the general vicinity of the intersection of Merlo Road and 158th Avenue.
 - D. The Elmonica Station Community Plan is comprised of properties within the general vicinity of the intersection of Baseline Road and 170th Avenue.

20.20.2.

- E. The Murray Scholls Town Center is comprised of properties within the general vicinity of the intersection of Murray Boulevard and Scholls Ferry Road as depicted on Map 20.20.60-2.
 - F. The Downtown Beaverton Regional Center is the area generally north of 5th Street, west of Highway 217, south of Center and Hall Streets, and east of Cedar Hills Road as depicted on Map 20.20.60-1.
- 3. Conflicts.** In the event of a conflict between the standards of the Multiple Use Districts and the standards of any other provisions of this Code, the standards of the specific Multiple Use District shall control. [ORD 4224; August 2002]

20.20.05. Station Area – Multiple Use Districts (SA-MU)

1. **Purpose.** The zoning district is generally located within one mile of light rail station platforms, and the primary uses permitted in the zoning district include office, retail, and service uses. Also permitted are multiple use developments and residential development at a minimum density of 24 units per acre and a maximum density of 30 units per acre. [ORD 4111; June 2000] Manufacturing and industrial uses are limited. Retail uses larger than 40,000 square feet are not permitted, unless they are a part of a multiple use development. [ORD 4224; August 2002]
2. **District Standards and Uses.** Station Area - Multiple Use Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Administrative Facilities
2. Commercial Schools
3. Attached Dwellings [ORD 4224; August 2002]
4. Eating or Drinking Establishments (subject to Use Restrictions c and e.)
5. Educational Institutions
6. Financial Institutions
7. Home Occupations
8. Hospitals
9. Live/Work Facilities
10. Manufacturing (subject to Use Restriction d.)
11. Medical Clinics
12. Nursery, Day or Child Care Facilities

20.20.05.2.A.

13. Offices
14. Parks and related facilities
15. Places of Worship (subject to Use Restriction a.)
16. Rental Businesses
17. Residential Care Facilities [ORD 4036; March 1999]
18. Research Facilities (subject to Use Restriction d.)
19. Retail Trade (subject to Use Restrictions c and e.)
20. Service Businesses (subject to Use Restrictions c and e.)
21. Social or Fraternal Organizations (subject to Use Restriction a.)
22. Utility Transmission Lines
23. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
24. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
25. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
26. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]

20.20.05.2.A.

27. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Automotive Services, Minor
2. Commercial Amusements
3. Parking, as the principal use
4. Places of Worship (subject to Use Restriction a.)
5. Planned Unit Developments
6. Public Buildings or other Structures
7. Recreation Uses or Facilities
8. Social or Fraternal Organizations (subject to Use Restriction a.)
9. Temporary Living Quarters
10. Transit Centers
11. Utility Installations, other than transmission lines
12. Vehicle Sales, Lease or Rental (subject to Use Restrictions b and e.)
13. Construction of a wireless communication facility tower [ORD 4248; April 2003]
14. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

20.20.05.2.B.

15. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses: The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in any Station Community District:

1. Automotive Services, Major
2. Bulk fuel dealerships
3. Bulk retail uses
4. Car washes
5. Cemeteries
6. Detached Dwellings [ORD 4224; August 2002]
7. Electrical power generators
8. Golf courses
9. Junk yards and motor vehicle wrecking yards
10. Kennels, excluding those accessory to veterinary Medical Clinics or medical Research Facilities.
11. Self Storage Facilities [ORD 4354; June 2005]
12. Mobile Home Parks
13. Motels
14. Nurseries and greenhouses, retail and wholesale
15. Recreational vehicle parks and campgrounds
16. Solid waste transfer stations
17. Truck stops

20.20.05.2.C.

18. Warehouses or Cold Storage Plants, except those storing materials or products primarily manufactured on site or used in the on-site process, or used in the maintenance or operation of on-site facilities.
19. Storage yards
20. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]
21. Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Area – Multiple Use District as stated in the comprehensive plan and this ordinance. [ORD 4248; April 2003]

D. Use Restrictions:

1. Uses which include drive-in, drive-through or drive-up window facilities within the Station Area - Multiple Use Districts are subject to approval of a Conditional Use.
2. Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
 - a. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.
 - b. The maximum building footprint size for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development.
 - c. Bookbinderies shall have a maximum size of 2,000 square feet.

20.20.05.2.D.2.

- d. These uses are permitted only within multiple use developments, as long as the floor area of this use does not exceed 25% of the total proposed floor area within a multiple use development.
- e. This activity is conducted wholly within an enclosed structure. No accessory open air sales, display, or storage allowed with this use.

E. District Requirements: **(reserved)**

20.20.10. Station Area - Medium Density Residential Districts (SA-MDR)

1. **Purpose.** The zoning district is generally located within one mile of light rail station platforms. Areas designated SA-MDR are medium-density residential neighborhoods with a minimum of 24 units per net acre and a maximum density of 30 units per acre. [ORD 4111; June 2000] Secondary uses include commercial uses and neighborhood parks. Small free-standing office uses are allowed within multiple use developments as defined in Chapter 90 of this ordinance, provided they do not exceed more than 50% of the residential floor area provided within the development, and that minimum residential densities are met. Retail uses are only allowed within multiple use developments, provided each individual establishment does not exceed more than 10,000 square feet of floor area, and that minimum residential densities are met. [ORD 4224; August 2002]
2. **District Standards and Uses.** Station Community – Medium Density Residential Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Administrative Facilities (subject to Use Restriction c.)
2. Commercial Schools
3. Attached Dwellings [ORD 4224; August 2002]
4. Eating or Drinking Establishments (subject to Use Restrictions b and e.)
5. Educational Institutions
6. Financial Institutions
7. Home Occupations
8. Live/Work Facilities
9. Medical Clinics (subject to Use Restriction c.)
10. Nursery, Day or Child Care Facilities

20.20.10.2.A.

11. Office (subject to Use Restriction c.)
12. Parks
13. Places of Worship (subject to Use Restriction a.)
14. Rental Businesses (subject to Use Restriction d.)
15. Residential Care Facilities [ORD 4036; March 1999]
16. Retail Trade (subject to Use Restrictions b and e.)
17. Service Businesses (subject to Use Restrictions b and e.)
18. Social or Fraternal Organizations (subject to Use Restriction a.)
19. Utility Transmission Lines
20. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
21. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
22. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
23. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]

20.20.10.2.A.

24. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
25. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Automotive Services, Minor
2. Commercial Amusements
3. Hospitals
4. Parking, as the principal use
5. Places of Worship (subject to Use Restriction a.)
6. Planned Unit Developments
7. Public Buildings or other Structures
8. Recreation Uses or Facilities
9. Social or Fraternal Organizations (subject to Use Restriction a.)
10. Temporary Living Quarters
11. Transit Centers
12. Utility Installations, other than transmission lines

20.20.10.2.B.

13. Vehicle Sales, Lease or Rental (subject to Use Restrictions b and f.)
 14. Construction of a wireless communication facility tower [ORD 4248; April 2003]
 15. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
 16. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]
- C. Prohibited Uses: The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in any Station Community District:
1. Automotive Services, Major
 2. Bulk fuel dealerships
 3. Bulk retail uses
 4. Car washes
 5. Cemeteries
 6. Detached Dwellings [ORD 4224; August 2002]
 7. Electrical power generators
 8. Golf courses
 9. Junk yards and motor vehicle wrecking yards
 10. Kennels, excluding those accessory to veterinary Medical Clinics or medical Research Facilities
 11. Manufacturing
 12. Self Storage Facilities [ORD 4354; June 2005]

20.20.10.2.C.

13. Mobile Home Parks
14. Motels
15. Nurseries and greenhouses, retail and wholesale
16. Recreational vehicle parks and campgrounds
17. Research Facilities
18. Solid waste transfer stations
19. Truck stops
20. Warehouses or Cold Storage Plants, except those storing materials or products primarily manufactured on site or used in the on-site process, or used in the maintenance or operation of on-site facilities.
21. Storage yards
22. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]
23. Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Area – Medium Density Residential District as stated in the comprehensive plan and this ordinance.

D. Use Restrictions:

1. Uses which include drive-in, drive-through or drive-up window facilities within the Station Area - Medium Density Residential Districts are subject to approval of a Conditional Use.

20.20.10.2.D.2

2. Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
 - a. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.
 - b. These uses are permitted only within multiple use developments, and shall have a maximum size of 10,000 sq. ft., provided that the minimum residential densities are met.
 - c. This use is allowed only in multiple use developments. Office uses shall not exceed 50% of the proposed residential floor area within the multiple use development, and shall be permitted only when minimum residential densities are met.
 - d. These uses are permitted only within multiple use developments, and shall have a maximum size of 5,000 sq. ft., provided that the minimum residential densities are met.
 - e. Bookbinderies shall have a maximum size of 2,000 square feet.
 - f. This activity is conducted wholly within an enclosed structure. No accessory open air sales, display, or storage allowed with this use.

E. District Requirements:

(reserved)

20.20.15. Station Community - Multiple Use: SC-MU

1. **Purpose.** The zoning district is generally located within one-half mile of light rail station platforms, and the primary uses permitted in the zoning district include office, retail, and service uses. Also permitted are multiple use developments and residential development at a minimum density of 24 or 30 units per net acre depending upon proximity to a LRT Station platform. There shall be no maximum residential density. [ORD 4111; June 2000] Manufacturing and industrial uses are limited. Larger buildings are encouraged in these areas, with parking under, behind, or to the sides of buildings. Individual retail uses larger than 10,000 square feet are not permitted, unless they are a part of a multiple use development. [ORD 4224; August 2002]

2. **District Standards and Uses.** Station Community - Multiple Use Districts and uses shall comply with the following:

- A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Administrative Facilities
2. Commercial Schools
3. Three or more Attached Dwellings [ORD 4224; August 2002]
4. Detached Dwellings existing (subject to Use Restriction h) [ORD 4121; August 2000] [ORD 4224; August 2002]
5. Two Attached Dwellings existing (subject to Use Restriction h) [ORD 4121; August 2000] [ORD 4224; August 2002]
6. Eating or Drinking Establishments (subject to Use Restrictions c.)
7. Educational Institutions
8. Financial Institutions

20.20.15.2.A.

9. Home Occupations
10. Hospitals
11. Live/Work Facilities
12. Manufacturing (subject to Use Restriction f.)
13. Medical Clinics
14. Nursery, Day or Child Care Facilities
15. Office
16. Parks
17. Places of Worship (subject to Use Restriction a.)
18. Residential Care Facilities. [ORD 4036; March 1999]
19. Rental Businesses (subject to Use Restriction d.)
20. Research Facilities (subject to Use Restriction f.)
21. Retail Trade (subject to Use Restrictions c and e.)
22. Service Businesses (subject to Use Restrictions c and e.)
23. Social or Fraternal Organizations (subject to Use Restriction a.)
24. Temporary Living Quarters
25. Utility Transmission Lines
26. Vehicle Sales, Lease or Rental (subject to Use Restrictions c and g.)
27. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]

20.20.15.2.A.

28. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
29. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
30. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
31. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
32. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Commercial Amusements (subject to Use Restriction b.)
2. Parking, as the principal use
3. Places of Worship (subject to Use Restriction a.)
4. Planned Unit Developments
5. Public Buildings or other Structures
6. Recreation Uses or Facilities (subject to Use Restriction b.)

20.20.15.2.B.

7. Social or Fraternal Organizations (subject to Use Restriction a.)
8. Transit Centers
9. Utility Installations, other than transmission lines
10. Construction of a wireless communication facility tower [ORD 4248; April 2003]
11. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
12. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses: The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in any Station Community District:

1. Automotive Services, Major
2. Automotive Services, Minor
3. Bulk fuel dealerships
4. Bulk retail uses
5. Car washes
6. Cemeteries
7. Detached Dwellings, new [ORD 4121; August 2000] [ORD 4224; August 2002]
8. Two Attached Dwellings, new [ORD 4121; August 2000] [ORD 4224; August 2002]
9. Electrical power generators
10. Golf courses

20.20.15.2.C.

11. Junk yards and motor vehicle wrecking yards
12. Kennels, excluding those accessory to veterinary Medical Clinics or medical Research Facilities
13. Self Storage Facilities [ORD 4354; June 2005]
14. Mobile Home Parks
15. Motels
16. Nurseries and greenhouses, retail and wholesale
17. Recreational vehicle parks and campgrounds
18. Solid waste transfer stations
19. Truck stops
20. Warehouses or Cold Storage Plants, except those storing materials or products primarily manufactured on site or used in the on-site process, or used in the maintenance or operation of on-site facilities.
21. Storage yards
22. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]
23. Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Community – Multiple Use District as stated in the comprehensive plan and this ordinance.

D. Use Restrictions:

1. Uses which include drive-in, drive-through or drive-up window facilities within the Station Community - Multiple Use Districts are prohibited.

20.20.15.2.D.

2. Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in Subsections A and B refer to the restrictions below.
 - a. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.
 - b. For individual uses greater than 2 gross acres, in addition to the criteria found in Section 40.15.15.4.C. for Conditional Use, the use must be transit supportive.
 - c. The maximum building footprint size for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development.
 - d. These uses are permitted only within multiple use developments, and shall have a maximum size of 5,000 sq. ft., provided that the minimum residential densities are met.
 - e. Bookbinderies shall have a maximum size of 2,000 square feet.
 - f. These uses are permitted only within multiple use developments, as long as the floor area of this use does not exceed 25% of the total proposed floor area within a multiple use development.
 - g. This activity is conducted wholly within an enclosed structure. No accessory open air sales, display, or storage allowed with this use.
 - h. Replacement of a detached dwelling two attached dwellings is permitted. [ORD 4121; August 2000] [ORD 4224; August 2002]

E. District Requirements: (reserved)

20.20.20. Station Community – High Density Residential: SC-HDR

1. **Purpose.** The zoning district is generally located within one-half mile of light rail station platforms. Areas designated SC-HDR are high density residential neighborhoods with a minimum of 24 or 30 units per net acre depending on proximity to a LRT Station platform. There shall be no maximum residential density. [ORD 4111; June 2000] Secondary uses include commercial uses and parks that are intended to primarily draw from within the Station Community District and not rely upon vehicular traffic. Office uses are allowed within multiple use developments provided they do not exceed 50% of the residential floor area within the development, and minimum residential densities are met. Retail uses are only allowed within multiple use development, provided each individual retail use does not exceed 10,000 square feet of floor area and minimum residential densities are met. [ORD 4224; August 2002]
2. **District Standards and Uses.** Station Community - High Density Residential Districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Administrative Facilities (subject to Use Restriction d.)
2. Commercial Schools
3. Attached Dwellings [ORD 4224; August 2002]
4. Detached Dwellings, existing (subject to Use Restriction h.) [ORD 4121; August 2000] [ORD 4224; August 2002]
5. Two Attached Dwellings, existing (subject to Use Restriction h) [ORD 4121; August 2000] [ORD 4224; August 2002]
6. Eating or Drinking Establishments (subject to Use Restrictions c.)
7. Educational Institutions
8. Financial Institutions

20.20.20.2.A.

9. Home Occupations
10. Live/Work Facilities
11. Medical Clinics (subject to Use Restriction d.)
12. Nursery, Day or Child Care Facilities
13. Office (subject to Use Restriction d.)
14. Parks
15. Places of Worship (subject to Use Restriction a.)
16. Rental Businesses (subject to Use Restriction e.)
17. Residential Care Facilities [ORD 4036; March 1999]
18. Retail Trade (subject to Use Restrictions c and f.)
19. Service Businesses (subject to Use Restrictions c and f.)
20. Social or Fraternal Organizations (subject to Use Restriction a.)
21. Utility Transmission Lines
22. Vehicle Sales, Lease or Rental (subject to Use Restrictions c and g.) [ORD 4071; October 1999]
23. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
24. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
25. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]

20.20.20.2.A.

26. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
27. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
28. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Commercial Amusements (subject to Use Restriction b.)
2. Hospitals
3. Parking, as the principal use
4. Places of Worship (subject to Use Restriction a.)
5. Planned Unit Developments
6. Public Buildings or other Structures
7. Recreation Uses or Facilities (subject to Use Restriction b.)
8. Social or Fraternal Organizations (subject to Use Restriction a.)
9. Temporary Living Quarters
10. Transit Centers

20.20.20.2.B.

11. Utility Installations, other than transmission lines
12. Storage yard for fully operable vehicles for sale, lease, or rent within one-quarter mile of the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue (subject to use restrictions g, i, j, k) [ORD 4246; March 2003]
13. Construction of a wireless communication facility tower [ORD 4248; April 2003]
14. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
15. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses: The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in any Station Community District:

1. Automotive Services, Major
2. Automotive Services, Minor
3. Bulk fuel dealerships
4. Bulk retail uses
5. Car washes
6. Cemeteries
7. Detached Dwellings, new [ORD 4121; August 2000] [ORD 4224; August 2002]
8. Two Attached Dwellings, new [ORD 4121; August 2000] [ORD 4224; August 2002]
9. Electrical power generators
10. Golf courses

20.20.20.2.C.

11. Junk yards and motor vehicle wrecking yards
12. Kennels, excluding those accessory to veterinary Medical Clinics or medical Research Facilities
13. Manufacturing
14. Self Storage Facilities [ORD 4354; June 2005]
15. Mobile Home Parks
16. Motels
17. Nurseries and greenhouses, retail and wholesale
18. Recreational vehicle parks and campgrounds
19. Research Facilities
20. Solid waste transfer stations
21. Truck stops
22. Warehouses or Cold Storage Plants, except those storing materials or products primarily manufactured on site or used in the on-site process, or used in the maintenance or operation of on-site facilities.
23. Storage yards, except as allowed under Section 20.20.20.2.B.12. [ORD 4246; March 2003]
24. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]
25. Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Community – High Density Residential District as stated in the comprehensive plan and this ordinance.

20.20.20.2.

D. Use Restrictions:

1. Uses which include drive-in, drive-through or drive-up window facilities within the Station Community – High Density Residential Districts are prohibited.
2. Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in Subsections A and B refer to the restrictions below.
 - a. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.
 - b. For individual uses greater than 2 gross acres, in addition to the criteria found in Section 40.15.15.4.C for Conditional Use, the use must be transit supportive.
 - c. These uses are permitted only within multiple use developments, and shall have a maximum size of 10,000 square feet, provided that the minimum residential densities are met.
 - d. This use is allowed only in multiple use developments. Office uses shall not exceed 50% of the proposed residential floor area within the multiple use development, and shall be permitted only when minimum residential densities are met.
 - e. These uses are permitted only within multiple use developments, and shall have a maximum size of 5,000 square feet, provided that the minimum residential densities are met.
 - f. Bookbinderies shall have a maximum size of 2,000 square feet.

20.20.20.2.D.2

- g. Except as otherwise provided in this paragraph, this activity shall be conducted wholly within an enclosed structure. No accessory open air sales, display, or storage are allowed with this use., except that the prohibition against storage shall not apply to storage yards for fully operable vehicles for sale, lease, or rent within one-quarter mile of the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue. [ORD 4246; March 2003]
- h. Replacement of a detached dwelling or two attached dwellings is permitted. [ORD 4121; August 2000] [ORD 4224; August 2002]
- i. Storage yards for fully operable vehicles for sale, lease, or rent within one-quarter mile of the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue may be authorized for a period of time up to and including five (5) years. Upon expiration of an approved time period Storage yard use shall cease until a new authorization through a separate conditional use permit is approved. [ORD 4246; March 2003]
- j. Within approved storage yards located within one-quarter mile of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue open air sales or display of fully operable vehicles for sale, lease, or rent is prohibited. [ORD 4246; March 2003]

20.20.20.2.D.2.

- k. The following existing site conditions must be present as of January 1, 2003 in the South Textronix Station Community Plan Area, and more specifically located on the north side of the Tualatin Valley Highway Corridor land use designation between SW Murray Boulevard and SW Lloyd Avenue, in order for lots in this area to be authorized for the development of storage yards for fully operable vehicles for sale, lease, or rent. Other site improvements, in addition to the following existing site conditions, may be required by the decision-making authority as conditions of approval for a development application:
 - i. Are currently being used for the storage of fully operable vehicles for sales, lease, or rent.
 - ii. Are currently shielded from public view with a sight-obscuring chain link fence.
 - iii. Currently have established landscaping outside the fence along public right-of-way.
 - iv. Are currently lighted to prevent vandalism.
 - v. Are currently surfaced with compacted gravel or paving.

[ORD 4246; March 2003]

- E. District Requirements:
(reserved)

20.20.25. Station Community - Employment District: SC-E [ORD 4188; Jan 2002]

1. **Purpose.** The intent of this district is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of light rail transit stations. The purposes of the regulations that follow are to stimulate development that:
 - A. generates sufficient intensity (number of employees or transit users) to be supportive of transit services available in the area;
 - B. contains a complementary mix of land uses;
 - C. encourages people to walk; ride a bicycle or use transit for a significant percentage of their trips; and
 - D. provides for limited industrial activities that could be incompatible in other Station Community zoning districts.

Areas zoned SC-E are characterized by a mix of light industrial, office and specialty retail uses with an overall expectation for development to achieve an intensity of 40 employees per acre. Retail uses larger than 10,000 square feet are not permitted. In addition, retail uses are limited to 25 percent of the total gross floor area of all development on the development site.

Three distinct sub areas are identified in the applicable Community Plan. The sub areas are located so the most intense development will occur adjacent to a light rail station or along a Major Pedestrian Route. Sub area 1 is generally located within one quarter mile of a light rail station. Sub area 2 is generally located along a Major Pedestrian Route within one half mile of a light rail station. Sub area 3 generally applies to land that is not adjacent to a LRT station and is developed with uses that are generally industrial in character but may have redevelopment potential.

2. **District Standards and Uses.** Station Community – Employment Districts and uses shall comply with the following:
 - A. Permitted Uses Sub Areas 1 and 2: Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:
 1. Clinic, Outpatient (subject to Use Restrictions a and b).

20.20.25.2.A.

2. Child Care Services (subject to Use Restriction b). (See also Special Use Regulations Section, Uses Requiring Special Regulations – Nursery schools, Day or Child Care Facilities).
3. Detached dwellings, existing [ORD 4224; August 2002]
4. Eating or drinking establishments (subject to Use Restrictions a, b, and d).
5. Financial institutions (subject to Use Restrictions a and b).
6. Manufacturing (subject to performance standards found in Site Development Requirements Section 20.20.50.8.**)
7. Meeting facilities less than 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.)
8. Offices.
9. Parks (subject to Use Restriction e).
10. Printing, publishing and bookbinding (Subject to Use Restriction f).
11. Public services or utility uses, confined to the area used as of February 7, 2002.
12. Research facilities.
13. Retail trade (subject to Use Restrictions a, b, c, and d)
14. Service businesses (subject to Use Restrictions a, b and c).
15. Transit centers and stations.
16. Utility transmission lines.
17. Collocation of wireless communication facilities on an existing wireless communication facility tower. [ORD 4248; April 2003]

20.20.25.2.A.

18. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way. [ORD 4248; April 2003]
19. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes. [ORD 4248; April 2003]
20. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80). [ORD 4248; April 2003]
21. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals. [ORD 4248; April 2003]
22. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]

Permitted Uses Sub Area 3: In addition to those uses and their accessory uses cited above for Sub Areas 1 and 2, unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses cited are permitted:

1. Meeting facilities less than 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.)
2. Public services or utility uses.
3. Storage yard for building or landscaping materials.
4. Storage yard for contractor's equipment, transit vehicles, and related vehicle or equipment maintenance activities.

20.20.25.2.A.

5. Collocation of wireless communication facilities on an existing wireless communication facility tower. [ORD 4248; April 2003]
 6. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way. [ORD 4248; April 2003]
 7. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes. [ORD 4248; April 2003]
 8. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80). [ORD 4248; April 2003]
 9. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals. [ORD 4248; April 2003]
 10. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]
- B. Conditional Uses Sub Areas 1 and 2: (Subject to Section 40.15 or Section 40.96 as applicable) Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):
1. Commercial Schools (subject to Use Restriction b).
 2. Educational Institutions (subject to Use Restriction b)
 3. Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)

20.20.25.2.B.

4. Hardware stores not exceeding 10,000 square feet in gross floor area (subject to Use Restriction c).
5. Hotels and extended stay hotels.
6. Meeting facilities exceeding 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.)
7. Parking as the principal use, provided it is in a parking structure. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)
8. Places of worship (subject to Use Restriction b).
9. Social or Fraternal Organizations (subject to Use Restriction b.)
10. Construction of a wireless communication facility tower. [ORD 4248; April 2003]
11. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]
12. Direct-to-home satellite service having antennas greater than one (1) meter in diameter. [ORD 4248; April 2003]

Conditional Uses Sub Area 3: (Subject to Section 40.15 or Section 40.96 as applicable) The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Commercial Schools.
2. Educational Institutions.
3. Facilities relating to utility distribution such as substations, water towers, and pump stations; utility installations. (See also Special Use Regulations Section, Uses Requiring Special Regulations – Utilities.)
4. Hotels and extended stay hotels.

20.20.25.2.B.

5. Hardware stores not exceeding 10,000 square feet in gross floor area (subject to Use Restriction c).
6. Meeting facilities exceeding 20,000 square feet, with or without food preparation facilities. (Subject to Use Restriction g.)
7. Parking as the principal use, provided it is in a parking structure. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Park and Ride Facilities.)
8. Social or Fraternal Organizations (subject to Use Restriction b.)
9. Construction of a wireless communication facility tower. [ORD 4248; April 2003]
10. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot. [ORD 4248; April 2003]
11. Direct-to-home satellite service having antennas greater than one (1) meter in diameter. [ORD 4248; April 2003]

C. Prohibited Uses Sub Areas 1 and 2: The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in Station Community - Employment District Sub Areas 1 and 2:

1. Automotive sales and services, major and minor.
2. Bulk fuel dealerships and storage yards, including card locks.
3. Bulk retail uses.
4. Car washes.
5. Cemeteries.
6. Commercial indoor or outdoor recreation and amusement services and facilities.

20.20.25.2.C.

7. Concrete mixing and asphalt batch plants.
8. Attached dwellings, including manufactured homes, new [ORD 4224; August 2002]
9. Detached dwellings, including manufactured homes, new [ORD 4224; August 2002]
10. Electrical power generators.
11. Furniture and appliance stores.
12. Golf courses.
13. Junk yards and motor vehicle wrecking yards, salvage yards, storage yards and recycling centers.
14. Kennels.
15. Machinery, equipment or implement sales or service relating to farming and construction (heavy equipment).
16. Self Storage Facilities [ORD 4354; June 2005]
17. Mobile home parks and subdivisions.
18. Motels
19. Motor vehicle, travel trailer, recreation vehicle, manufactured home, and boat sales, leasing, rental or storage for such uses.
20. Nurseries and greenhouses, retail and wholesale.
21. Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots.
22. Recreational vehicle parks and campgrounds.
23. Retail or combination retail-wholesale lumber and/or building materials yards.
24. Solid waste transfer stations.

20.20.25.2.C.

25. Surface parking as the primary use.
26. Theaters.
27. Truck stops.
28. Warehouses, wholesale and distributive activities (motor freight terminals), or Cold Storage Plants.
29. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design. [ORD 4248; April 2003]
30. Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Community - Employment District as stated in the Comprehensive Plan and this ordinance.

Prohibited Uses Sub Area 3: The following principal, secondary or accessory non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in Station Community - Employment District Sub Area 3:

1. Automotive sales and services, Minor and Major
2. Bulk fuel dealerships and storage yards, including card locks.
3. Bulk retail uses.
4. Car washes.
5. Cemeteries.
6. Commercial indoor or outdoor recreation and amusement services and facilities.
7. Concrete mixing and asphalt batch plants.
8. Attached dwellings, including manufactured homes, new [ORD 4224; August 2002]

20.20.25.2.C.

9. Detached dwellings, including manufactured homes, new [ORD 4224; August 2002]
10. Electrical power generators.
11. Furniture and appliance stores
12. Golf courses.
13. Heavy equipment sales, including incidental service and repair.
14. Junkyards and motor vehicle wrecking yards, salvage yards, recycling centers.
15. Kennels, excluding those accessory to veterinary medical clinics or medical research facilities.
16. Machinery, equipment or implement sales or service relating to farming and construction (heavy equipment).
17. Mini-storage facilities.
18. Mobile home parks and subdivisions.
19. Motels
20. Motor vehicle, travel trailer, recreation vehicle, manufactured home and boat sales, leasing, rental or storage unless otherwise permitted in this section.
21. Nurseries and greenhouses, retail and wholesale.
22. Parks
23. Places of worship.
24. Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots.
25. Recreational vehicle parks and campground.

20.20.25.2.C.

26. Retail or combination retail-wholesale lumber and/or building materials yard.
27. Solid waste transfer stations.
28. Surface parking as the primary use.
29. Theaters.
30. Truck stops.
31. Warehouses, wholesale and distributive activities (motor freight terminals), or cold storage plants.
32. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design. [ORD 4248; April 2003]
33. Other uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Station Community- Employment District as stated in the comprehensive plan and this ordinance.

D. Use Restrictions:

1. Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
 - a. Drive-in, drive-through or drive-up window facilities within the Station Community – Employment Districts are prohibited.
 - b. The maximum building footprint size for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development.

20.20.25.2.D.1.

- c. This activity is conducted wholly within an enclosed structure. No accessory open-air sales, display, or storage allowed with this use.
- d. Accessory outdoor seating related to the primary eating or drinking establishment use may be permitted provided that the outdoor space devoted to this use does not exceed an area greater than the equivalent of fifteen percent of the dining, drinking, or both floor area; or 750 square feet, whichever is less.

Eating, drinking, or both establishments may combine accessory outdoor seating areas, provided that the outdoor seating area does not exceed the total combined allowed area and the accessory outdoor seating does not exceed thirty percent of the total enclosed dining, drinking, or both, not to exceed 1,500 square feet.

- e. Limited to 0.5 acres in size, unless located on top of a building or structured parking.
- f. Uses greater than 5,000 square feet require a Conditional Use.
- g. Only as an accessory use to a Hotel or Extended Stay Hotel, or Offices.

E. District Requirements:

- 1. There is no Minimum Area for a new Zoning District.
- 2. There is no Maximum Area for a new Zoning District.

20.20.27. Corridor Multiple Use District (C-MU) [ORD 4265; September 2003]

- 1. Purpose.** The Corridor Multiple Use “C-MU” District is intended to allow the Corridor to develop into multiple use employment and service centers.

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted.

1. Retail trade.
2. Services e.g., personal; business; professional; amusement and recreation; educational (including public and private); equipment rental; and other similar services as determined by the Director. When an interpretation is discretionary, notice shall be provided in accordance with Section 50.40.
3. Churches; social and fraternal organizations.
4. Parks and playgrounds.
5. Detached dwellings.
6. Attached dwellings.
7. Eating and drinking establishments.
8. Temporary living quarters.
9. Financial institutions.
10. Nursery, Day or Child Care Facilities.
11. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03).
12. Utility transmission lines.
13. Collocation of wireless communication facilities on an existing wireless communication facility tower.

20.20.27.1.A.

14. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way.
15. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes.
16. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80).
17. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals.
18. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot.

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Automotive services, Minor.
2. Parking as a principal use.
3. Transit Centers.
4. Utility installation, other than transmission lines.
5. Construction of a wireless communication facility tower.
6. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot.
7. Direct-to-home satellite service having antennas greater than one (1) meter in diameter.

20.20.27.1.

C. Prohibited Uses:

1. Automotive services, Major.
2. Mobile home parks and subdivision.
3. Auto, boat, motorcycle, and other motor vehicle sales; trailer or mobile home sales/rentals.
4. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design.

D. Use Restrictions:

Uses shall be subject to the following (excludes parks and playgrounds):

1. Activity is conducted wholly within an enclosed structure, except for outside play areas for day care and school facilities, transit centers and as allowed in items 2 and 3 below.
2. Accessory open air sales/display/storage shall be permitted for horticultural and food merchandise only and shall constitute no more than 5% of the gross building floor area of any individual establishment.
3. Accessory open air sales/display storage shall be permitted for auto, boat and other motor vehicle sales in existence at the time this ordinance is adopted.
4. All Permitted and Conditional Uses located in the Corridor Multiple Use designation shall be developed as Planned Unit Developments.

E. District Requirements

1. There is no minimum area for a new zoning district.
2. There is no maximum area for a new zoning district.

20.20.28. MAIN STREET DISTRICTS (RESERVED)

20.20.30. Town Center – Multiple Use Districts (TC-MU)

1. **Purpose.** Primary uses permitted include office, retail, and service uses. Also permitted are multiple use developments and residential development at a minimum density of 24 units per net acre. Industrial uses are limited to light manufacturing uses. [ORD 4224; August 2002]
2. **District Standards and Uses.** Town Center - Multiple Use Districts and uses shall comply with the following:
 - A. Permitted Uses: Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:
 1. Administrative Facilities (subject to Use Restriction g.)
 2. Commercial Schools Establishments (subject to Use Restrictions a. and d.)
 3. Dwellings, Live/Work Unit
 4. Attached Dwellings [ORD 4224; August 2002]
 5. Eating or Drinking Establishments (subject to Use Restriction h.)
 6. Educational Institutions
 7. Financial Institutions
 8. Home Occupations
 9. Manufacturing (subject to Use Restriction c.)
 10. Medical Clinics (subject to Use Restriction f.)
 11. Nursery, Day or Child Care Facilities
 12. Offices (subject to Use Restriction g.)
 13. Parks and related facilities
 14. Places of Worship (subject to Use Restriction a.)

20.20.30.2.A

15. Rental Businesses (subject to Use Restrictions e., f. and g.)
16. Research Facilities (subject to Use Restrictions c. and g.)
17. Residential Care Facilities
18. Retail Trade (subject to Use Restrictions d., e. and g.)
19. Service Businesses (subject to Use Restrictions d, e. and g.)
20. Social or Fraternal Organizations (subject to Use Restriction a.)
21. Temporary Uses (See section 40.80)
22. Utility Transmission Lines
23. Warehousing as an accessory use, not to exceed 25% of the principal use.
24. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
25. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
26. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
27. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]

20.20.30.2.A.

28. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
29. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Automotive Services, Minor
2. Car washes
3. Commercial Amusements (See section 60.50.25.1 and 5.)
4. Commercial Schools Establishments (subject to Use Restrictions a. and d.)
5. Hospitals
6. Medical Clinics (subject to Use Restriction f.)
7. Parking, as principal use (subject to Use Restriction g.)
8. Places of Worship (subject to Use Restriction a.)
9. Planned Unit Developments
10. Public Buildings or other Structures
11. Recreation Uses or Facilities
12. Rental Businesses (subject to Use Restrictions e., f., and g.)

20.20.30.2.B.

13. Social or Fraternal Organizations (subject to Use Restriction a.)
14. Temporary Living Quarters
15. Transit Centers
16. Utility Installations, other than transmission lines
17. Vehicle Sales, Lease or Rental (subject to Use Restrictions b., e., and g.)
18. Construction of a wireless communication facility tower [ORD 4248; April 2003]
19. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
20. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses: The following non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in any Town Center Multiple Use District:

1. Automotive Services, Major
2. Bulk fuel dealerships
3. Cemeteries
4. Detached Dwellings [ORD 4111; June 2000] [ORD 4224; August 2002]
5. Electrical power generators
6. Golf courses
7. Junk yards and motor vehicle wrecking yards

20.20.30.2.C.

8. Kennels, excluding those accessory to veterinary Medical Clinics or medical Research Facilities
9. Self Storage Facilities [ORD 4354; June 2005]
10. Mobile Home Parks
11. Motels
12. Nurseries and greenhouses, retail and wholesale
13. Recreational vehicle parks and campgrounds
14. Solid waste transfer stations
15. Truck stops
16. Warehouses or Cold Storage Plants
17. Storage yards, excluding those accessory to public utilities.
18. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]
19. Other similar uses which in the determination of the Director are non-pedestrian-oriented and do not meet the intent and purpose of the Town Center – Multiple Use District.

D. Use Restrictions:

1. Uses which include drive-in, drive-through or drive-up window facilities within the Town Center – Multiple Use Districts are subject to approval of a Conditional Use.
2. A Preliminary PUD pursuant to Section 40.15.15.5 or Final PUD pursuant to 40.15.15.6 shall be required for the following:
 - a. Phased development projects; or
 - b. Development of sites greater than five acres.

20.20.30.2.D.

3. Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
 - a. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.
 - b. The maximum building footprint size for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development.
 - c. These uses are permitted only within multiple use developments, as long as the floor area of this use does not exceed 50% of the total proposed floor area within a multiple use development.
 - d. Individual uses larger than 50,000 sq. ft. are not permitted except on those parcels which are less than three net acres in size as formed by a grid of public or private streets.
 - e. This activity is conducted wholly within an enclosed structure. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of fifteen percent of the building gross floor area.
 - f. Buildings larger than 50,000 sq. ft. are subject to approval of a Conditional Use.
 - g. No more than 50% of any one property may be developed for a single use type until a commitment has been made to develop a different class of use equivalent to at least 20% of the floor area occupied by the primary use.

20.20.30.2.D.3.

- h. Accessory outdoor seating related to the principal eating or drinking establishment use may be permitted, provided that the outdoor space devoted to this use does not exceed
 - 1) an area greater than the equivalent of fifteen percent of the dining, drinking, or both floor area;
or
 - 2) 750 square feet.

If outdoor dining is to exceed either fifteen percent of the dining, drinking, or both floor area or 750 square feet, the additional area in excess of 750 square feet must provide additional parking at a ratio as provided by the appropriate zoning district.

E. District Requirements: **(reserved)**

20.20.35. Town Center – High Density Residential Districts (TC-HDR)

1. **Purpose.** Areas designated TC-HDR are high-density residential neighborhoods with a minimum of 24 units per net acre. Secondary uses include commercial uses and neighborhood parks. Small free-standing office and limited retail uses are allowed within multiple use developments.
2. **District Standards and Uses.** Town Center - High Density Residential Districts and uses shall comply with the following:
 - A. Permitted Uses: Unless otherwise prohibited or subject to a Conditional Use, the following uses and their accessory uses are permitted:
 1. Administrative Facilities (subject to Use Restriction c.)
 2. Commercial Schools (subject to Use Restriction b.)
 3. Dwellings, Live/Work Unit
 4. Attached Dwellings [ORD 4224; August 2002]
 5. Eating or Drinking Establishments (subject to Use Restrictions b. and h.)
 6. Educational Institutions
 7. Financial Institutions
 8. Home Occupations
 9. Medical Clinics (subject to Use Restriction c.)
 10. Nursery, Day or Child Care Facilities
 11. Office (subject to Use Restrictions c. and f.)
 12. Parks
 13. Places of Worship (subject to Use Restriction a.)
 14. Rental Businesses (subject to Use Restrictions d. and e.)

20.20.35.2.A.

15. Retail Trade (subject to Use Restrictions b., e., and g.)
16. Service Businesses (subject to Use Restrictions b., e. and g.)
17. Social or Fraternal Organizations (subject to Use Restriction a.)
18. Temporary Uses (See section 40.80)
19. Utility Transmission Lines
20. Warehousing as an accessory use, not to exceed 25% of the principal use.
21. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
22. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
23. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
24. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
25. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
26. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

20.20.35.2.

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Automotive Services, Minor
2. Commercial Amusements (See section 60.50.25.1 and 5.)
3. Parking, as the principal use
4. Places of Worship (subject to Use Restriction a.)
5. Planned Unit Developments
6. Public Buildings or other Structures
7. Recreation Uses or Facilities
8. Social or Fraternal Organizations (subject to Use Restriction a.)
9. Temporary Living Quarters
10. Transit Centers
11. Construction of a wireless communication facility tower [ORD 4248; April 2003]
12. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
13. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses: The following non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in any Town Center High Density Residential District:

1. Automotive Services, Major

20.20.35.2.C.

2. Bulk fuel dealerships
3. Bulk retail uses
4. Car washes
5. Cemeteries
6. Detached Dwellings [ORD 4111; June 2000] [ORD 4224; August 2002]
7. Electrical power generators
8. Golf courses
9. Hospitals
10. Junk yards and motor vehicle wrecking yards
11. Kennels, excluding those accessory to veterinary Medical Clinics or medical Research Facilities
12. Manufacturing
13. Self Storage Facilities [ORD 4354; June 2005]
14. Mobile Home Parks
15. Motels
16. Nurseries and greenhouses, retail and wholesale
17. Recreational vehicle parks and campgrounds
18. Research Facilities
19. Solid waste transfer stations
20. Truck stops
21. Utility Installations, other than transmission lines
22. Vehicle Sales, Lease or Rental

20.20.35.2.C.

23. Warehouses or Cold Storage Plants
24. Storage yards
25. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]
26. Other similar uses which in the determination of the Director are non-pedestrian-oriented and do not meet the intent and purpose of the Town Center – High Density Residential District.

D. Use Restrictions:

1. Uses which include drive-in, drive-through or drive-up window facilities within the Town Center – High Density Residential Districts are subject to approval of a Conditional Use.
2. A Preliminary PUD pursuant to Section 40.15.15.5 or Final PUD pursuant to 40.15.15.6 shall be required for the following:
 - a. Phased development projects; or
 - b. Development of sites greater than five acres.
3. Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
 - a. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.
 - b. These uses are permitted only within multiple use developments, and shall have a maximum size of 10,000 sq. ft., provided that the minimum residential densities are met.
 - c. This use is allowed only in multiple use developments. Office uses shall not exceed 50% of the proposed residential floor area within the multiple use development, and shall be permitted only when minimum residential densities are met.

20.20.35.2.D.3.

- d. These uses are permitted only within multiple use developments, and shall have a maximum size of 5,000 sq. ft., provided that the minimum residential densities are met.
- e. This activity is conducted wholly within an enclosed structure. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of fifteen percent of the building gross floor area.
- f. Small free-standing office uses are allowed within multiple use developments as defined in Chapter 90 of this ordinance, provided they do not exceed more than 50% of the residential floor area provided within the development, and that minimum residential densities are met.
- g. Retail uses are only allowed within multiple use developments, provided each individual establishment does not exceed more than 10,000 square feet of floor area, and that minimum residential densities are met.
- h. Accessory outdoor seating related to the principal eating or drinking establishment use may be permitted, provided that the outdoor space devoted to this use does not exceed:
 - 1) an area greater than the equivalent of ten percent of the dining, drinking, or both floor area; or
 - 2) 500 square feet.

If outdoor dining is to exceed either ten percent of the dining, drinking, or both floor area or 500 square feet, the additional area in excess of 500 square feet must provide additional parking at a ratio as provided by the appropriate zoning district.

E. District Requirements (reserved)

Multiple Use Districts: TC-MDR

20.20.40. Town Center – Medium Density Residential Districts (TC-MDR)

1. **Purpose.** Areas designated TC-MDR are medium-density residential neighborhoods with a minimum of 18 units per net acre. Secondary uses include commercial uses and neighborhood parks. Small free-standing office and limited retail uses are allowed within multiple use developments.
2. **District Standards and Uses.** Town Center - Medium Density Residential Districts and uses shall comply with the following:
 - A. Permitted Uses: Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:
 1. Administrative Facilities (subject to Use Restriction c.)
 2. Commercial Schools (subject to Use Restriction b.)
 3. Dwellings, Live/Work Unit
 4. Attached Dwellings [ORD 4224; August 2002]
 5. Detached Dwellings [ORD 4111; June 2000] [ORD 4224; August 2002]
 6. Eating or Drinking Establishments (subject to Use Restrictions b. and h.)
 7. Educational Institutions
 8. Financial Institutions
 9. Home Occupations
 10. Medical Clinics (subject to Use Restriction c.)
 11. Nursery, Day or Child Care Facilities
 12. Office (subject to Use Restrictions c. and f.)
 13. Parks
 14. Places of Worship (subject to Use Restriction a.)

20.20.40.2.A.

15. Rental Businesses (subject to Use Restrictions d. and e.)
16. Retail Trade (subject to Use Restrictions b., e., and g.)
17. Service Businesses (subject to Use Restrictions b., e. and g.)
18. Social or Fraternal Organizations (subject to Use Restriction b.)
19. Temporary Uses. (See section 40.80)
20. Utility Transmission Lines
21. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
22. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
23. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
24. Temporary wireless communication facilities structures (See also Temporary Structures-Section 40.80) [ORD 4248; April 2003]
25. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
26. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

20.20.40.2.

- B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

Unless otherwise prohibited, the following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Commercial Amusements (See sections 60.50.25.1 and 5.)
2. Parking, as the principal use
3. Places of Worship (subject to Use Restriction a.)
4. Planned Unit Developments
5. Public Buildings or other Structures
6. Recreation Uses or Facilities
7. Temporary Living Quarters
8. Construction of a wireless communication facility tower [ORD 4248; April 2003]
9. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
10. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

- C. Prohibited Uses: The following non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in any Town Center Medium Density Residential District:

1. Automotive Services, Major
2. Automotive Services, Minor
3. Bulk fuel dealerships
4. Bulk retail uses

20.20.40.2.C.

5. Car washes
6. Cemeteries
7. Electrical power generators
8. Golf courses
9. Hospitals
10. Junk yards and motor vehicle wrecking yards
11. Kennels, excluding those accessory to veterinary Medical Clinics or medical Research Facilities
12. Manufacturing
13. Self Storage Facilities [ORD 4354; June 2005]
14. Mobile Home Parks
15. Motels
16. Nurseries and greenhouses, retail and wholesale
17. Recreational vehicle parks and campgrounds
18. Research Facilities
19. Solid waste transfer stations
20. Transit Centers
21. Truck stops
22. Utility Installations, other than transmission lines
23. Vehicle Sales, Lease or Rental
24. Warehouses or Cold Storage Plants
25. Storage yards

20.20.40.2.C.

26. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]
27. Other similar uses which in the determination of the Director are non-pedestrian-oriented and do not meet the intent and purpose of the Town Center – High Density Residential District.

D. Use Restrictions:

1. Uses which include drive-in, drive-through or drive-up window facilities within the Town Center – Medium Density Residential Districts are subject to approval of a Conditional Use.
2. A Preliminary PUD pursuant to Section 40.15.15.5 or Final PUD pursuant to 40.15.15.6 shall be required for the following:
 - a. Phased development projects; or
 - b. Development of sites greater than five acres.
3. Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
 - a. Buildings larger than 10,000 square feet are subject to approval of a Conditional Use.
 - b. These uses are permitted only within multiple use developments, and shall have a maximum size of 10,000 sq. ft., provided that the minimum residential densities are met.
 - c. This use is allowed only in multiple use developments. Office uses shall not exceed 50% of the proposed residential floor area within the multiple use development, and shall be permitted only when minimum residential densities are met.

20.20.40.2.D.3.

- d. These uses are permitted only within multiple use developments, and shall have a maximum size of 5,000 sq. ft., provided that the minimum residential densities are met.
- e. This activity is conducted wholly within an enclosed structure. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of fifteen percent of the building gross floor area.
- f. Small free-standing office uses are allowed within multiple use developments as defined in Chapter 90 of this ordinance, provided they do not exceed more than 50% of the residential floor area provided within the development, and that minimum residential densities are met.
- g. Retail uses are only allowed within multiple use developments, provided each individual establishment does not exceed more than 10,000 square feet of floor area, and that minimum residential densities are met.
- h. Accessory outdoor seating related to the principal eating or drinking establishment use may be permitted, provided that the outdoor space devoted to this use does not exceed
 - 1) an area greater than the equivalent of five percent of the dining, drinking, or both floor area; or
 - 2) 250 square feet.

If outdoor dining is to exceed either five percent of the dining, drinking, or both floor area or 250 square feet, the additional area in excess of 250 square feet must provide additional parking at a ratio as provided by the appropriate zoning district.

E. District Requirements: (reserved)

20.20.43. Regional Center - Transit Oriented: RC-TO

1. **Purpose.** The intent for the Regional Center - Transit Oriented (RC-TO) District, which is served by light rail and commuter rail, is to promote a transit-supportive multiple-use land use pattern and to create over time a pedestrian-oriented commercial center within approximately 1/4 mile of the light rail stations while supporting existing and future businesses in moving toward and achieving the vision of a Regional Center. [ORD 4295; April 2004]

2. **District Standards and Uses.** The Regional Center - Transit Oriented District and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses are permitted:

1. Administrative Facilities
2. Automotive Services, Minor (subject to Use Restriction a.)
3. Commercial Amusements (subject to Use Restriction b. See also Section 60.50.25.1. and 5.)
4. Commercial Schools
5. Passenger rail tracks and related facilities, such as transit stops, submitted for development after May 21, 2004. [ORD 4295; April 2004]
6. Convalescent Facilities
7. Attached Dwellings [ORD 4224; August 2002]
8. Detached Dwellings: existing [ORD 4224; August 2002]
9. Two Attached Dwellings: existing [ORD 4224; August 2002]
10. Eating or Drinking Establishments (subject to Use Restriction g.)
11. Financial Institutions

20.20.43.2.A.

12. Home Occupations (See also Section 40.40)
13. Manufacturing (subject to Use Restrictions c. and i.)
14. Nursery Schools, Day or Child Care Facilities (see also Section 60.50.25.8.)
15. Offices
16. Places of Worship (subject to Use Restriction c. See also Section 60.50.25.4.)
17. Recreation Facilities (subject to Use Restriction b.)
18. Research Facilities
19. Residential Care Facilities
20. Retail Trade (subject to Use Restrictions d., e., h., and i.)
21. Service (Repair other than auto repair) Businesses (subject to Use Restriction j.)
22. Social Organizations (subject to Use Restriction c.)
23. Temporary Living Quarters (subject to Use Restriction k.)
24. Temporary Uses (See Section 40.80)
25. Utility Transmission Lines (See also Section 60.50.25.11.)
26. Warehousing as an accessory use, not to exceed 25% of the principal use.
27. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
28. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]

20.20.43.2.A.

29. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
30. Temporary wireless communication facilities structures (See also Temporary Structures-Section 40.80) [ORD 4248; April 2003]
31. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
32. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

Unless otherwise prohibited, the following uses may be permitted subject to the approval of a Conditional Use (CU):

1. Commercial Amusements that exceed a 20,000 square foot building footprint (subject to Use Restriction b. See also Sections 60.50.25.1. and .5.)
2. Educational Institutions (See also Section 60.50.25.9.)
3. Hospitals (See also Section 60.50.25.4)
4. Live/Work Facilities
5. Manufacturing uses that exceed 10,000 square feet in floor area, abut a Major Pedestrian Route, or both. (Subject to use Restrictions c. and i.)
6. Medical Clinics
7. Parking, as the Principal Use.

20.20.43.2.B.

8. Parks
9. Places of Worship (subject to Use Restriction c. See also Section 60.50.25.4.)
10. Planned Unit Developments
11. Public Services
12. Service Stations
13. Social Organizations (subject to Use Restriction c.)
14. Transit Centers
15. Utility Stations or Installations
16. Vehicle Sales, Lease or Rental (subject to Use Restriction f.)
17. Uses which include drive-in, drive-through or drive-up window facilities beyond 500 feet of a light rail station platform.
18. Construction of a wireless communication facility tower [ORD 4248; April 2003]
19. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
20. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

The following non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in the Regional Center - Transit Oriented District:

1. Automotive Services, Major

20.20.43.2.C.

2. Bulk retail uses
3. Cemeteries
4. Detached Dwellings: new [ORD 4224; August 2002]
5. Two Attached Dwellings: new [ORD 4224; August 2002]
6. Kennels
7. Mobile Homes
8. Mobile or Manufactured Home Parks
9. Mobile or Manufactured Home Subdivisions
10. Recreational Vehicle Parks or Campgrounds
11. Rental Business: of construction equipment
12. Retail Trade: of automobile parts or equipment
13. Riding Stables or Academies
14. Salvage Yards
15. Solid Waste Transfer Stations
16. Self Storage Facilities [ORD 4354; June 2005]
17. Storage Yards
18. Truck Stops
19. Warehouses, as the principal use
20. Uses which include drive-in, drive-through or drive-up window facilities within 500 feet of a light rail station platform.
21. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

20.20.43.2.C.

22. Other similar uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Transit Oriented (RC-TO) district.

D. Use Restrictions: [ORD 4224; August 2002]

1. Subsections A and B of the Regional Center - Transit Oriented zoning district indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
 - a. Service stations shall require the approval of a Conditional Use.
 - b. Except for theaters, a building with a gross ground floor area larger than 20,000 square feet is subject to the approval of a Conditional Use.
 - c. Buildings larger than 10,000 square feet are subject to the approval of a Conditional Use. Regardless of building size, proposed development abutting a Major Pedestrian Route is subject to the approval of a Conditional Use.
 - d. Activity is conducted wholly within an enclosed structure.
 - e. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of fifteen percent of the building gross floor area.
 - f. All uses established after December 9, 1999 shall be conducted wholly within an enclosed structure. Accessory open air sales or display related to permitted uses in existence on a site at the time this Code is adopted may be expanded on that site.

20.20.43.2.D.1.

- g. Accessory outdoor seating related to the primary eating or drinking establishment use may be permitted provided that the outdoor space devoted to this use does not exceed:
 - 1. an area greater than the equivalent of fifteen percent of the dining, drinking, or both floor area; or
 - 2. 750 square feet.

If outdoor dining is to exceed either fifteen percent of the dining, drinking, or both floor area or 750 square feet, the additional area in excess of 750 square feet must provide additional parking at a ratio as provided by the appropriate zoning district.

Eating, drinking, or both establishments may combine accessory outdoor seating areas, provided that the outdoor seating area not exceed the total combined allowed area. Such establishments may combine their outdoor seating provided that the accessory outdoor seating does not exceed thirty percent of the total enclosed dining, drinking, or both, not to exceed 1,500 square feet.

- h. Retail Trade: Permitted uses for building materials, home equipment and improvements, or landscape or nurseries sales shall not occupy more than 15,000 gross square feet of space in an individual building, site or parcel.
- i. Book Binderies shall have a maximum size of 2,000 square feet.
- j. The maximum gross ground floor area for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development.
- k. Motel use is a prohibited use.

20.20.43.2.

E. District Requirements.

None identified for this district.

20.20.45. Regional Center - Old Town District: RC-OT

1. **Purpose.** The intent for the Regional Center - Old Town (RC-OT) District, which encompasses the City of Beaverton's original downtown, is to maintain the mix of uses, scale of development, and appearance that are characteristic of this historically significant area while supporting existing and future businesses in moving toward and achieving the vision of a Regional Center.
2. **District Standards and Uses.** The Regional Center - Old Town District and uses shall comply with the following:

A. Permitted Uses

Unless otherwise prohibited or subject to a conditional use, the following uses are permitted:

1. Administrative Facilities
2. Automotive Services, Minor
3. Commercial Amusements (subject to Use Restriction a. See also Section 60.50.25.1. and 5.)
4. Commercial Schools
5. Passenger rail tracks and related facilities, such as transit stops, submitted for development after May 21, 2004 [ORD 4295; April 2004]
6. Attached Dwellings [ORD 4224; August 2002]
7. Detached Dwellings: existing [ORD 4224; August 2002]
8. Eating or Drinking Establishments (subject to Use Restriction f.)
9. Home Occupations (See also Section 40.40)
10. Hospitals (See also Section 60.50.25.4.)
11. Manufacturing (subject to Use Restrictions b. and h.)
12. Medical Clinics

20.20.45.2.A.

13. Nursery Schools, Day or Child Care Facilities (see also Section 60.50.25.8.)
14. Offices
15. Places of Worship (subject to Use Restriction b. See also Section 60.50.25.4.)
16. Recreation Facilities (subject to Use Restriction a.)
17. Research Facilities
18. Retail Trade (subject to Use Restrictions c., d., g., and h.)
19. Service (Repair other than auto repair) Businesses (subject to Use Restriction i.)
20. Service Stations
21. Social Organizations (subject to Use Restriction b.)
22. Temporary Uses (See Section 40.80)
23. Utility Transmission Lines (See also Section 60.50.25.11.)
24. Warehousing as an accessory use, not to exceed 25% of the primary use.
25. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
26. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
27. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]

20.20.45.2.A.

28. Temporary wireless communication facilities structures (See also Temporary Structures-Section 40.80) [ORD 4248; April 2003]
29. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
30. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

Unless otherwise prohibited, the following uses may be permitted subject to the approval of a Conditional Use (CU):

1. Commercial Amusements that exceed 20,000 square foot building footprint (subject to Use Restriction a. See also Section 60.50.25.1. and 5.)
2. Detached Dwellings: new [ORD 4224; August 2002]
3. Educational Institutions (See also Section 60.50.25.9.)
4. Live/Work Facilities
5. Manufacturing uses that exceed 10,000 square feet in floor area, abut a Major Pedestrian Route, or both. (Subject to Use Restrictions b. and h.)
6. Parking, as the Principal Use
7. Parks
8. Places of Worship (subject to Use Restriction b. See also Section 60.50.25.4.)
9. Planned Unit Developments

20.20.45.2.B.

10. Public Services
11. Residential Care Facilities
12. Social Organizations
13. Storage Yard (subject to Use Restriction j.)
14. Temporary Living Quarters (subject to Use Restriction k.)
15. Transit Centers
16. Utility Stations or Installations
17. Vehicle Sales, Lease or Rental (subject to Use Restriction e.)
18. Uses which include drive-in, drive-through or drive-up window facilities.
19. Construction of a wireless communication facility tower [ORD 4248; April 2003]
20. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
21. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

The following non-transit supportive uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in the Regional Center - Old Town District:

1. Automotive Services, Major
2. Bulk retail uses
3. Cemeteries
4. Kennels

20.20.45.2.C.

5. Mobile Homes
6. Mobile or Manufactured Home Parks
7. Mobile or Manufactured Home Subdivisions
8. Recreational Vehicle Parks or Campgrounds
9. Rental Businesses: of construction equipment
10. Salvage Yards
11. Solid Waste Transfer Stations
12. Self Storage Facilities [ORD 4354; June 2005]
13. Truck Stops
14. Warehouses, as the principal use
15. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]
16. Other similar uses which in the determination of the Director are non-transit supportive and do not meet the intent and purpose of the Old Town (RC-OT) district.

D. Use Restrictions: [ORD 4224; August 2002]

1. Subsections A and B of the Regional Center - Old Town zoning district indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
 - a. Except for theaters, a building with a gross ground floor area larger than 20,000 square feet is subject to the approval of a Conditional Use.

20.20.45.2.D.1.

- b. Buildings larger than 10,000 square feet are subject to the approval of a Conditional Use. Regardless of building size, proposed development abutting a Major Pedestrian Route is subject to the approval of a Conditional Use.
- c. Activity is conducted wholly within an enclosed structure.
- d. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of fifteen percent of the building gross floor area.
- e. All uses established after December 9, 1999 shall be conducted wholly within an enclosed structure. Accessory open air sales or display related to permitted uses in existence on a site at the time this Code is adopted may be expanded on that site.
- f. Accessory outdoor seating related to the primary eating or drinking establishment use may be permitted provided that the outdoor space devoted to this use does not exceed:
 - 1. an area greater than the equivalent of fifteen percent of the dining, drinking, or both floor area; or
 - 2. 750 square feet.

If outdoor dining is to exceed either fifteen percent of the dining, drinking, or both floor area or 750 square feet, the additional area in excess of 750 square feet must provide additional parking at a ratio as provided by the appropriate zoning district.

Eating, drinking, or both establishments may combine accessory outdoor seating areas, provided that the outdoor seating area not exceed the total combined allowed area. Such establishments may combine their outdoor seating provided that the accessory outdoor seating does not exceed thirty

20.20.45.2.D.1.

percent of the total enclosed dining, drinking, or both, not to exceed 1,500 square feet.

- g. Retail Trade: Permitted uses for building materials, home equipment and improvements, or landscape or nurseries sales shall not occupy more than 15,000 gross square feet of space in an individual building, site or parcel.
- h. Book Binderies shall have a maximum size of 2,000 square feet.
- i. The maximum gross ground floor area for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development.
- j. Only as an accessory use to a permitted or conditionally permitted use.
- k. Motel use is a prohibited use.

E. District Requirements.

None identified for this district

20.20.47. Regional Center - East District: RC-E

1. **Purpose.** The intent for the Regional Center - East (RC-E) District, adjoining Highway 217 and located generally more than 1/4 mile from the nearest light rail station, is to support existing and future businesses and accommodate more highly automobile oriented uses and lower intensity uses which are inappropriate in either the Transit Oriented (TO) or Old Town (OT) Districts while still maintaining pedestrian linkages to the transit stations and transit-served land uses. [ORD 4295; April 2004]
2. **District Standards and Uses.** The Regional Center - East District and uses shall comply with the following:

- A. Permitted Uses.

Unless otherwise prohibited or subject to a Conditional Use, the following uses are permitted:

1. Administrative Facilities
2. Automotive Services, Minor
3. Commercial Amusements (subject to Use Restriction a. See also Section 60.50.25.1. and 5.)
4. Commercial Schools
5. Passenger rail tracks and related facilities, such as transit stops, submitted for development after May 21, 2004. [ORD 4295, April 2004]
6. Attached Dwellings [ORD 4224; August 2002]
7. Detached Dwellings: existing [ORD 4224; August 2002]
8. Two Attached Dwellings: existing [ORD 4224; August 2002]
9. Eating or Drinking Establishments (subject to Use Restriction f.)
10. Financial Institutions
11. Home Occupations (See also Section 40.40)

20.20.47.2.A.

12. Hospitals (See also Section 60.50.25.4.)
13. Manufacturing (subject to Use Restrictions b. and h.)
14. Medical Clinics
15. Nursery Schools, Day or Child Care Facilities (see also Section 60.50.25.8.)
16. Offices
17. Places of Worship (subject to Use restriction b. See also Section 60.50.25.4.)
18. Recreation Facilities. (Subject to Use Restriction a.)
19. Research Facilities
20. Residential Care Facilities
21. Retail Trade (subject to Use Restrictions c., d., g., and h.)
22. Service (Repair other than auto repair) Businesses (subject to Use Restriction i.)
23. Service Stations
24. Social Organizations (subject to Use Restriction b.)
25. Temporary Uses (See Section 40.80)
26. Utility Transmission Lines (See also Section 60.50.25.11.)
27. Warehousing as an accessory use, not to exceed 25% of the primary use.
28. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
29. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]

20.20.47.2.A.

30. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
31. Temporary wireless communication facilities structures (See also Temporary Structures-Section 40.80) [ORD 4248; April 2003]
32. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
33. Up to and including two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]

B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

Unless otherwise prohibited, the following uses may be permitted subject to the approval of a Conditional Use (CU):

1. Automotive Services, Major (subject to Use Restriction c.)
2. Commercial Amusements that exceed a 20,000 square foot building footprint (subject to Use Restriction a. See also Section 60.50.25.1. and 5.)
3. Detached Dwellings: new [ORD 4224; August 2002]
4. Two Attached Dwellings: new [ORD 4224; August 2002]
5. Educational Institutions (See also Section 60.50.25.9.)
6. Live/Work Facilities
7. Manufacturing uses that exceed 10,000 square feet in floor area, abut a Major Pedestrian Route, or both. (Subject to Use Restriction b. and h.)

20.20.47.2.B.

8. Parking, as the Principal Use
9. Parks
10. Places of Worship (subject to Use Restriction b. See also Section 60.50.25.4.)
11. Planned Unit Developments
12. Public Services
13. Storage Yards (subject to Use Restriction j.)
14. Temporary Living Quarters (subject to Use Restriction k.)
15. Utility Stations or Installations
16. Vehicle Sales, Lease or Rental (subject to Use Restriction e.)
17. Uses which include drive-in, drive-through or drive-up window facilities
18. Construction of a wireless communication facility tower [ORD 4248; April 2003]
19. More than two (2) satellite antennas greater than two (2) meters in diameter on one (1) lot [ORD 4248; April 2003]
20. Direct-to-home satellite service having antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

The following uses shall not be established as new uses, nor may existing uses or structures be converted to the following uses in the Regional Center - East District:

1. Bulk retail uses
2. Cemeteries
3. Kennels

20.20.47.2.C.

4. Mobile Homes
5. Mobile or Manufactured Home Parks
6. Mobile or Manufactured Home Subdivisions
7. Recreational Vehicle Parks or Campgrounds
8. Rental Business: of construction equipment
9. Retail Trade: of automobile parts or equipment as the principal use
10. Salvage Yards
11. Solid Waste Transfer Stations
12. Self Storage Facilities [ORD 4354; June 2005]
13. Transit Centers
14. Truck Stops
15. Warehouses, as a principal use
16. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]
17. Other similar uses which in the determination of the Director do not meet the intent and purpose of the East District (RC-E).

20.20.47.2.

D. Use Restrictions: [ORD 4224; August 2002]

1. Subsections A and B of the Regional Center - East zoning district indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
 - a. Except for theaters, a building with a gross ground floor area larger than 20,000 square feet is subject to the approval of a Conditional Use.
 - b. Buildings larger than 10,000 square feet are subject to the approval of a Conditional Use. Regardless of building size, proposed development abutting a Major Pedestrian Route is subject to the approval of a Conditional Use.
 - c. Activity is conducted wholly within an enclosed structure.
 - d. Accessory open air sales or display related to the principal use may be permitted, provided that the outdoor space devoted to these uses does not occupy an area greater than the equivalent of fifteen percent of the building gross floor area.
 - e. All uses established after December 9, 1999 shall be conducted wholly within an enclosed structure. Accessory open air sales or display related to permitted uses in existence on a site at the time this Code is adopted may be expanded on that site.

20.20.47.2.D.1.

- f. Accessory outdoor seating related to the primary eating or drinking establishment use may be permitted provided that the outdoor space devoted to this use does not exceed:
 - 1. an area greater than the equivalent of fifteen percent of the dining, drinking, or both floor area; or
 - 2. 750 square feet.

If outdoor dining is to exceed either fifteen percent of the dining, drinking, or both floor area or 750 square feet, the additional area in excess of 750 square feet must provide additional parking at a ratio as provided by the appropriate zoning district.

Eating, drinking, or both establishments may combine accessory outdoor seating areas, provided that the outdoor seating area not exceed the total combined allowed area. Such establishments may combine their outdoor seating provided that the accessory outdoor seating does not exceed thirty percent of the total enclosed dining, drinking, or both, not to exceed 1,500 square feet.

- g. Retail Trade: Permitted uses for building materials, home equipment and improvements, or landscape or nurseries sales shall not occupy more than 15,000 gross square feet of space in an individual building, site or parcel.
- h. Book Binderies shall have a maximum size of 2,000 square feet.
- i. The maximum gross ground floor area for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development.
- j. Only as an accessory use to a permitted or conditionally permitted use.

20.20.47.2.D.1.

k. Motel use is a prohibited use.

E. District Requirements.

None identified for this district

**Multiple Use Districts: Site Development Requirements
Station Areas (SA)**

20.20.50. Site Development Requirements**A. STATION AREAS [ORD 4224; August 2002]**

		<u>SA-MU</u>	<u>SA-MDR</u>
1. Lot Area: (in Square Feet)			
A. Minimum		none	none
B. Maximum		none	none
2. Lot Dimensions: (in feet)			
A. Minimum		none	none
B. Maximum		none	none
3. Yard Setbacks: (in feet)		<u>SA-MU</u>	<u>SA-MDR</u>
A. Front			
1. Minimum		0'	0'
2. Maximum for developments without residential units on the ground floor.		20'	20'
3. Maximum for developments with residential units on the ground floor.		20'	20'
B. Side			
1. Minimum		none	none
2. Maximum		none	none
C. Rear			
1. Minimum		none	none
2. Maximum		none	none

**Multiple Use Districts: Site Development Requirements
Station Areas (SA)**

20.20.50.A.3.

- D. Reduction to setback standards. Up to twenty (20) feet additional front yard setback is allowed upon a demonstration that not less than 60% of the additional setback area is used to provide enhanced pedestrian amenities such as plazas, courtyards, benches, street furniture or similar useable pedestrian space.

4. Building Height:

(in feet)	<u>SA-MU</u>	<u>SA-MDR</u>
A. Maximum height without an Adjustment or Variance, except as provided by Section 60.50.10 of this Code.	60'	60'
B. Maximum height with an Adjustment or Variance, except as provided by Section 60.50.10 of this Code.	no limit specified	no limit specified
C. Refer to Section 60.05.15.7 for additional height requirements for structures adjacent to Major Pedestrian Routes. [ORD 4332; November 2004]		
D. The maximum height for wireless communication facilities inclusive of antennas in all station areas zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all multiple-use zoning districts shall be twelve (12) feet. [ORD 4248; April 2003] [ORD 4397; July 2006]		

5. Floor Area:

	<u>SA-MU</u>	<u>SA-MDR</u>
A. Maximum	Subject to FAR as specified below	
B. Minimum Floor Area Ratio (FAR) for multiple use or non-residential developments	0.35	0.35
C. Maximum Floor Area Ratio (FAR) for multiple use or non-residential developments.	0.8	0.6

**Multiple Use Districts: Site Development Requirements
Station Areas (SA)**

20.20.50.A.5.

SA-MU**SA-MDR**

- | | | | |
|----|---|---------------|---------------|
| D. | Maximum Floor Area Ratio (FAR) for residential developments | not specified | not specified |
|----|---|---------------|---------------|
- E. Projects may use the Final Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332; November 2004]
- F. Permitted Density.
1. General. When a Planned Unit Development is approved, phased development may be proposed, so long as each phase complies with the minimum density of the site. [ORD 4332; November 2004]
 2. Method of Calculating Intensity (FAR). Required FAR shall be calculated on a net acre basis, determined as follows: Gross acreage shall be reduced by:
 - a. Unbuildable land, such as wetlands, protected or regulated natural areas under Section 60.60 (Trees and Vegetation) and 40.90 (Tree Plan), other natural resource areas, drainage areas, or drainage facilities, which is set aside in an unbuildable tract of land or dedicated to the public; and
 - b. Other lands devoted to public or private streets or street right-of-way.

**Multiple Use Districts: Site Development Requirements
Station Areas (SA)**

20.20.50.A.5.

- G. For developments or phases thereof which are partially within and partially beyond the threshold distance of 400 feet of the LRT Station platform, only that portion which is 400 feet or less from the platform shall comply with the higher floor area ratio and density requirements.
 - H. For developments or phases that involve multiple buildings, the floor area ratio may be averaged by totaling the square footage of the buildings divided by the square footage of the net acreage of land within such development or phase.
 - I. Separation of buildings is subject to the State Building Code and the Uniform Fire Code.
- 6. Extension of Facilities.** [ORD 4061, September 1999] To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of water lines, sanitary and storm sewer lines through applicant's property to the property line of the adjoining or abutting property. Extension of streets shall conform to the requirements of Section 60.55 (Transportation Facilities). Facilities required in accordance with this section shall be consistent with the acknowledged Comprehensive Plan. Where physical or topographic conditions make the extension of a facility or facilities impracticable, the City Engineer or designee may require a cash payment to the City in lieu of the extension of the facility or facilities, the amount of which shall be equal to the estimated cost of the extension(s) under more suitable conditions.

**Multiple Use Districts: Site Development Requirements
Station Communities (SC)**

20.20.50.

B. STATION COMMUNITIES [ORD 3998, December 1997] [ORD 4005, January 1998] [ORD 4188; January 2002] [ORD 4224; August 2002]

1. Lot Area:
(in Square Feet)

	SC-MU	<u>SC-HDR</u>	<u>SC-E Sub Areas</u>		
			1	2	3
A. Minimum	none	none	none	none	none
B. Maximum	none	none	none	none	none

2. Lot Dimensions:
(in feet)

	SC-MU	<u>SC-HDR</u>	<u>SC-E Sub Areas</u>		
			1	2	3
A. Minimum	none	none	none	none	none
B. Maximum	none	none	none	none	none

3. Yard Setbacks:
(in feet)

	SC-MU	<u>SC-HDR</u>	<u>SC-E Sub Areas</u>		
			1	2	3
A. Front					
1. Minimum	0'	0'	none	none	none
2. Maximum for developments without residential units on the ground floor	5' on Major Pedestrian Routes; 10' on all other streets	5' on Major Pedestrian Routes; 10' on all other streets			

**Multiple Use Districts: Site Development Requirements
Station Communities (SC)**

3. Maximum for developments with residential units on the ground floor	20'	20'	N/A	N/A	N/A
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20.20.50.B.3.

		<u>SC-HDR</u>		<u>SC-E Sub Areas</u>		
		SC-MU		1	2	3
B.	Side					
	1. Minimum	none	none	none	none	none
	2. Maximum	none	none	none	none	none
C.	Rear					
	1. Minimum	none	none	none	none	none
	2. Maximum	none	none	none	none	none
D.	Reduction to setback standards. Up to twenty (20) feet additional front yard setback is allowed upon a demonstration that not less than 60% of the additional setback area is used to provide enhanced pedestrian amenities such as plazas, courtyards, benches, street furniture or similar useable pedestrian space.					
E.	Within SC-E sub area 3, if the side or rear yards of a proposed development abut lands which are zoned residential or are zoned with a Multiple Use zoning designation where the applicable Multiple Use zoning designation allows residential development, the setback shall equal the applicable required residential rear yard setback. [ORD 4224; August 2002]					
F.	Within the Merlo Station Area Community Plan, no side or rear yard setbacks are required where property lines abut a railroad right-of-way or spur track.					

**Multiple Use Districts: Site Development Requirements
Station Communities (SC)**

20.20.50.B.

4. Building Height:
(in feet)

		SC-MU	<u>SC-HDR</u>	<u>SC-E Sub Areas</u>		
				1	2	3
A.	Minimum	none	none	24'	24'	none
B.	Maximum height without an Adjustment or Variance, except as provided by Section 60.50.10 of this Code	100' within 400' of the LRT station platform, 60' beyond the 400'	100' within 400' of the LRT station platform, 60' beyond the 400'	100'	60'	45' except that within 100' of residentially zoned property of Multiple Use zoned property where residential is allowed, the maximum height shall be equal to the maximum height of the abutting residential zone.
C.	Refer to Section 60.05.15.7 for additional height requirements for structures adjacent to Major Pedestrian Routes. [ORD 4332; November 2004]					
D.	The maximum height for wireless communication facilities inclusive of antennas in all station communities zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all multiple-use zoning districts shall be twelve (12) feet. [ORD 4248; April 2003] [ORD 4397; July 2006]					

**Multiple Use Districts: Site Development Requirements
Station Communities (SC)**

20.20.50.B.

5. Floor Area:

		SC-MU	<u>SC-HDR</u>	<u>SC-E Sub Areas</u>		
				1	2	3
A.	Maximum	Subject to FAR as specified below	Subject to FAR as specified below	none	none	none
B.	Minimum Floor Area Ratio (FAR) for multiple use or non-residential developments	0.6 within 400' of the LRT station platform, 0.5 beyond the 400'	0.6 within 400' of the LRT station platform, 0.5 beyond the 400'	0.5	0.35	none
C.	Maximum Floor Area Ratio (FAR) for multiple use or non-residential developments	1.2 within 400' of the LRT station platform, 1.0 beyond the 400'	1.2 within 400' of the LRT station platform, 1.0 beyond the 400'	2.0	1.0	0.5
D.	Maximum Floor Area Ratio (FAR) for residential developments	1.2 within 400' of the LRT station platform, 1.0 beyond the 400'	1.2 within 400' of the LRT station platform, 1.0 beyond the 400'	N/A	N/A	N/A

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20.20.50.B.5.

- E. Projects may use the Final Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the Planned Unit Development process is to be used. [ORD 4332; November 2004]
- F. Permitted Density.
1. General. When a Planned Unit Development is approved, phased development may be proposed, so long as each phase complies with the minimum density of the site. [ORD 4332; November 2004]
 2. Method of Calculating Intensity (FAR). Required FAR shall be calculated on a net acre basis, determined as follows: Gross acreage shall be reduced by:
 - a. Unbuildable land, such as wetlands, protected or regulated natural areas under Section 60.60 (Trees and Vegetation) and 40.90 (Tree Plan), other natural resource areas, drainage areas, or drainage facilities, which is set aside in an unbuildable tract of land or dedicated to the public; and
 - b. Other lands devoted to public or private streets or street right-of-way.
- G. Except for SC-E sub areas, for developments or phases thereof which are partially within and partially beyond the threshold distance of 400 feet of the LRT Station platform, only that portion which is 400 feet or less from the platform shall comply

**Multiple Use Districts: Site Development Requirements
Station Communities (SC)**

with the higher floor area ratio and density requirements. [ORD 4188; January 2002]

20.20.50.B.5.

- H. For developments or phases that involve multiple buildings, the floor area ratio may be averaged by totaling the square footage of the buildings divided by the square footage of the net acreage of land within such development or phase.
- I. Except for SC-E sub areas, maximum setbacks do not apply along streets that form a boundary of a Station Community District, unless specifically required and identified in Section 20.20.60. [ORD 4188; January 2002]
- J. Separation of buildings is subject to the State Building Code and the Uniform Fire Code.

6. Extension of Facilities. [ORD 4061, September 1999] To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of water lines, sanitary and storm sewer lines through applicant's property to the property line of the adjoining or abutting property. Extension of streets shall conform to the requirements of Section 60.55. Transportation Facilities. Facilities required in accordance with this section shall be consistent with the acknowledged Comprehensive Plan. Where physical or topographic conditions make the extension of a facility or facilities impracticable, the City Engineer or designee may require a cash payment to the City in lieu of the extension of the facility or facilities, the amount of which shall be equal to the estimated cost of the extension(s) under more suitable conditions. [ORD 4224; August 2002]

7. [ORD 4188; January 2002] Other Requirements, applicable only to the SC-E zoning districts:

- A. No service roads, spur trackage, hardstands, outside storage areas, etc. shall be permitted within required yards adjacent to residential district or mixed use districts where residential uses are allowed.
- B. Other required condition:
 - 1. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an

**Multiple Use Districts: Site Development Requirements
Station Communities (SC)**

enclosed building unless screened by a sight-obscuring fence or wall.

20.20.50.B.7.B.

2. Storage yards shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscaped areas.
 3. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards. All areas for storage of waste shall be fully screened.
8. [ORD 4188; January 2002] Performance Standards for Development in the SC-E zoning districts.
- A. Vibration. No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
 - B. Odors. The emission of odorous gasses or matter as to be readily detectable at any point beyond the property line is prohibited.
 - C. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Glass windows shall be tinted to reduce glare and reflectiveness.
 - D. Outdoor Noise. Outdoor noise emitted from the property shall not exceed a measurement of 55 decibels at the adjoining property line(s).
 - E. Administration and Enforcement. Prior to the City taking any action on a Type 1, Type 2, or Type 3 application, or the issuance of an occupancy permit, at the request of the City, information sufficient to determine the degree of compliance with the standards in this subsection shall be furnished by the applicant. Such request may include continuous records of operations, for periodic checks to assure maintenance of standards, or for special surveys. Accurate and representative measurements, as necessary, shall be made according to accepted engineering practice. Measurements shall be made at or anywhere outside

**Multiple Use Districts: Site Development Requirements
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the property lines of the property from which an emission is generated. [ORD 4224; August 2002]

20.20.50.

C. CORRIDOR AND MAIN STREETS [ORD 4265; September 2003]**C-MU**

1. **Minimum Lot Area:** None
(in Square Feet)
2. **Minimum Lot Dimensions:**
(in feet)
 - A. Width None
 - B. Depth None
3. **Minimum Yard Setbacks:**
(in feet)
 - A. Front None
 - B. Side None
 1. Interior None
 2. Corner Lot None
 - C. Rear (only if next to a residential zone) None
 - D. Reduction to setback standards. Under conditions outlined in Section 40.30, applications may be made for zero side yard setbacks.
4. **Building Height:**
(in feet) **C-MU**
 - A. Maximum height. 60'
 - B. Refer to Section 60.05.15.7 for additional height requirements for structures adjacent to Major Pedestrian Routes. [ORD 4332; November 2004]
5. **Maximum Lot Coverage:**
(in percentage) 100

**Multiple Use Districts: Site Development Requirements
Town Center (TC)**

20.20.50.

D. TOWN CENTERS [ORD 4058, August 1999]

	TC-MU	<u>TC-HDR</u>	<u>TC-MDR</u>
1. Lot Area: (in square feet)			
A. Minimum	none	none	none
B. Maximum	none	none	none
2. Lot Dimensions: (in feet)			
A. Minimum	none	none	none
B. Maximum	none	none	none
3. Yard Setbacks: (in feet)			
A. Front			
1. Minimum	0'	0'	0'
2. Maximum for developments without Residential units on the ground floor:			
a. Fronting on a Major Pedestrian Route	0'	10'	20'
b. Not fronting on a Major Pedestrian Route	5'	10'	20'
3. Maximum for developments with Residential units on the ground floor:			
a. Fronting on a Major Pedestrian Route	20'	20'	20'
b. Not fronting on a Major Pedestrian Route	20'	20'	20'
B. Side			
1. Minimum	none	none	none
2. Maximum	none	none	none

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Town Center (TC)**

20.20.50.D.3.

		<u>TC-HDR</u>	<u>TC-MDR</u>
	TC-MU		
C.	Rear		
	1. Minimum	none	none
	2. Maximum	none	none
D.	Modification to setback standards. Up to twenty (20) feet additional front yard setback is allowed upon a demonstration that not less than 60% of the additional setback area is used to provide enhanced pedestrian amenities such as plazas, courtyards, benches, street furniture or similar useable pedestrian space.		
E.	Yards abutting single family residential zones, when not separated by a public street, shall have a minimum setback of twenty (20) feet		
F.	No side or rear yard setbacks are required where side or rear property lines abut a railroad right-of-way or spur track.		
	TC-MU	<u>TC-HDR</u>	<u>TC-MDR</u>
4.	Building Height: (in feet)		
A.	Maximum height without an Adjustment or Variance, except as provided by Section 60.50.10 of this Code. [ORD 4224; August 2002]	60'	50'
B.	Maximum height with an Adjustment or Variance, except as provided by Section 60.50.10 of this Code. [ORD 4224; August 2002]	100'	75'
C.	Refer to Section 60.05.15.7 for additional height requirements for structures adjacent to Major Pedestrian Routes. [ORD 4332; November 2004]		

**Multiple Use Districts: Site Development Requirements
Town Center (TC)**

20.20.50.D.4.

- D. The maximum height for wireless communication facilities inclusive of antennas in all town center zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all industrial zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

5. Floor Area:

Floor Area is dependent upon whether residential development is involved or not. Residential only development is governed by minimum and maximum densities. Whereas non-residential only development and multiple use development that includes residential floor space, is governed by minimum and maximum Floor Area Ratios. For Multiple Use development, no maximum limitation shall be placed on the number of dwelling units permitted.

		<u>TC-MU</u>	<u>TC-HDR</u>	<u>TC-MDR</u>
A.	Minimum Floor Area Ratio (FAR) for multiple use or non-residential developments.	0.50	0.30	0.25
B.	Minimum Floor Area Ratio (FAR) for multiple use or non-residential developments with a FPUD or DRBCP [ORD 4224; August 2002] [ORD 4332; November 2004]	0.35	0.20	0.20

Projects that propose to utilize the Final Planned Unit Development or Design Review Build-Out Concept Plan process to develop a site at the minimum FAR established in subsection 20.20.50.D.5.B above must demonstrate in the plans how, in all aspects of site development requirements, future intensification of the site, to the minimum FAR established in subsection 20.20.50.D.5.A or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or

Multiple Use Districts: Site Development Requirements

Town Center (TC)

otherwise varied, the Planned Unit Development process is to be used. [ORD 4224; August 2002] [ORD 4332; November 2004]

**Multiple Use Districts: Site Development Requirements
Town Center (TC)**

20.20.50.D.5

		TC-MU	<u>TC-HDR</u>	<u>TC-MDR</u>
C.	Maximum Floor Area Ratio (FAR) for multiple use or non-residential developments.	1.00	0.60	0.50
D.	Maximum Floor Area Ratio (FAR) for multiple use or non-residential developments with a FPUD or DRBCP. [ORD 4224; August 2002] [ORD 4332; November 2004]	2.00	1.00	0.75

		TC-MU	<u>TC-HDR</u>	<u>TC-MDR</u>
E.	Minimum Residential Density in residential only and multiple use projects.	24 units per acre	24 units per acre	18 units per acre
F.	Maximum Residential Density in residential only projects.	40 units per acre	36 units per acre	24 units per acre
G.	Permitted Density (Dwelling Units/Acre - DU/Ac) and (Floor Area Ratio - FAR).			

1. General.

- a. When a Final Planned Unit Development is approved, phased development may be proposed, so long as an approved Phasing Plan is submitted as part of a PUD which demonstrates how required densities will be accomplished upon completion of the final phase. This could be accomplished by identifying future building sites, identifying plans for future intensification of existing buildings through the addition of more square footage, or by identifying future redevelopment of parking areas to more intensive land uses. In all cases, the phasing plan should demonstrate that proposed development will not preclude the ability to establish an urban street grid and urban levels of development as the Town Center matures. [ORD 4224; August 2002]

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Town Center (TC)**

20.20.50.D.5.G.1.

- b. Existing Development, which either exists or is the subject of a vested development application as of September 17, 1999, shall not be deemed non-conforming solely on the basis of failure to meet the minimum FAR or residential density requirements. With redevelopment of the site, an approved phasing plan demonstrating how the development will meet the applicable FAR and residential density requirements upon final buildout must be submitted prior to issuance of necessary land use permits. [ORD 4224; August 2002]

2. Method of Calculating Density and Intensity (FAR). Required minimum densities and FAR shall be calculated on a net acre basis, determined as follows: Gross acreage shall be reduced by:

- a. Unbuildable land, such as wetlands, protected or regulated natural areas under Section 60.60 (Trees and Vegetation) and 40.90 (Tree Plan), other natural resource areas, drainage areas, or drainage facilities, which is set aside in a conservation easement, an unbuildable tract of land or dedicated to the public; and
- b. Other lands devoted to public or private streets or street right-of-way.
- c. For Multiple Use Developments, residential densities and non-residential FARs shall be implemented as follows:

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Town Center (TC)**

20.20.50.D.5.G.2.c.

Net buildable acres multiplied by the percentage of proposed residential use,
 = land available to residential development,
 multiplied by minimum residential density,
 = minimum number of dwelling units required.

net buildable acres multiplied by the percentage of proposed non-residential use,
 = land available to non-residential development,
 multiplied by the minimum FAR,
 = minimum number of non-residential square footage
 required.

Example of Density and FAR Estimates for Mixed Use Development	District		TC-MU
	Net Buildable Acres		5 acres
		Residential Acreage	1 acre (20%)
		Minimum Dwelling Units	24 Units
		Retail Acreage	4 acres
		Minimum Retail Square Footage	60,984 sq. ft.

- H. For developments or phases that involve multiple uses, the floor area ratio may be averaged by totaling the square footage of the buildings divided by the square footage of the net acreage of land within such development or phase.

- I. Within a single land use zone, residential densities may be averaged across a property in order to allow for a variety of housing types, provided that the property is within a single, contiguous ownership, except that within a planned unit development may be averaged across multiple land use zones provided that the applicant demonstrates that the proposed development is compatible with existing and planned development on neighboring parcels. For the purposes of this standard, properties within a single, contiguous ownership also include those properties separated only by a street.

- J. Separation of buildings is subject to the State Building Code and the Uniform Fire Code.

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20.20.50.

E. REGIONAL CENTERS [ORD 4075; November 1999]

The purpose of the following site development requirements and standards is to support existing and future businesses and development consistent with the intent and purpose of each of the three Regional Center District subareas as set forth in this ordinance [RC-TO: Section 20.20.43; RC-OT: Section 20.20.45; RC-E: Section 20.20.47]

	RC-TO	<u>RC-OT</u>	<u>RC-E</u>
1. Lot Area: (in square feet)			
A. Minimum	none	none	none
B. Maximum	none	none	none
2. Lot Dimensions: (in feet)			
A. Minimum	none	none	none
B. Maximum	none	none	none
3. Yard Setbacks: (in feet)			
A. Front			
1. Minimum	0'	0'	0'
2. Maximum for developments without Residential units on the ground floor:			
a. Fronting on a Major Pedestrian Route	5'	5'	20'
b. Not fronting on a Major Pedestrian Route	10'	10'	20'
3. Maximum for developments with Residential units on the ground floor.	20'	20'	20'
B. Side			
1. Minimum	none	none	none
2. Maximum	none	none	none
C. Rear			
1. Minimum	none	none	none

**Multiple Use Districts: Site Development Requirements
Regional Center (RC)**

20.20.50.E.3.	2. Maximum	none	none	none
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- D. Modification to setback standards. Up to twenty (20) feet additional front yard setback is allowed upon a demonstration that not less than 60% of the additional setback area is used to provide enhanced pedestrian amenities such as plazas, courtyards, benches, street furniture or similar useable pedestrian space. Modifications under this provision may be allowed in addition to other variances and adjustments available under this ordinance.
- E. Maximum setbacks do not apply along street that form a boundary of the Regional Center Districts, unless specifically required and identified in Section 20.20.60. [ORD 4312; June 2004]
- F. Yards abutting single-family residential zones, when not separated by a public street, shall have a minimum setback of twenty (20) feet.
- G. No side or rear yard setbacks are required where side or rear property lines abut a railroad right-of-way or spur track.

[ORD 4332; November 2004]

		RC-TO	<u>RC-OT</u>	<u>RC-E</u>
4. Building Height:	(in feet)			
A.	Maximum height without an Adjustment or Variance, except as provided by Section 60.50.10 of this Code. [ORD 4224; August 2002]	120'	30'	80'
B.	Maximum height with an Adjustment or Variance, except as provided by Section 60.50.10 of this Code. [ORD 4224; August 2002]	200'	60'	200'
C.	The height of a stepped or terraced building is the maximum height of any segment of the building.			

**Multiple Use Districts: Site Development Requirements
Regional Center (RC)**

20.20.50.E.4.

- D. Refer to Section 60.05.15.7 for additional height requirements for structures adjacent to Major Pedestrian Routes. [ORD 4332; November 2004]
- E. The maximum height for wireless communication facilities inclusive of antennas in all regional center zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all multiple-use zoning districts shall be twelve (12) feet. [ORD 4248; April 2003] [ORD 4397; July 2006]

5. Floor Area:

Floor Area is dependent upon whether residential development is involved or not. Residential only development is governed by minimum and maximum densities. Whereas non-residential only development and multiple use development that includes residential floor space, is governed by minimum and maximum Floor Area Ratios. For Multiple Use development, no maximum limitation shall be placed on the number of dwelling units permitted.

	<u>RC-TO</u>	<u>RC-OT</u>	<u>RC-E</u>
A. Minimum Floor Area Ratio (FAR) for multiple use or non-residential developments.	0.60	0.35	0.30

Projects may use the Final Planned Unit Development or the Design Review Build-Out Concept Plan process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in the plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development or Design Review Build-Out Concept Plan. The Design Review Build-Out Concept Plan may be used if the only Site Development Requirement being phased, altered, or otherwise varied is the minimum FAR. If any other Site Development Requirement is being phased, altered, or otherwise varied, the

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Planned Unit Development process is to be used. [ORD 4224; August 2002] [ORD 4332; November 2004]

20.20.50.E.5.

- B. To accommodate smaller lot sizes within the RC-TO zone that existed prior to December 9, 1999, the required minimum floor area ratio for multiple use or non-residential developments may be further modified based upon lot dimensions, as follows:

MINIMUM SITE WIDTH	MINIMUM SITE DEPTH			
	0-120'	121'-139'	140'-175'	176'+
0-100'	0.1	0.2	0.25	0.25
101'-200'	0.1	0.3	0.45	0.45
201'+	0.1	0.45	0.45	0.60

[ORD 4312; June 2004]

Note: When provisions are made off-site for required parking, the permissible FAR shall be governed by 20.20.50.5.A, .B, .C, .D, and .E, regardless of site dimensions.

- | | RC-TO | <u>RC-OT</u> | <u>RC-E</u> |
|--|-----------|------------------------------|-------------|
| C. Maximum Floor Area Ratio (FAR) for multiple use or non-residential developments. [ORD 4259; August 2003] | Unlimited | Unlimited | 1.00 |
| D. Maximum Floor Area Ratio (FAR) for multiple use or non-residential developments with a FPUD or DRBCP. [ORD 4224; August 2002] [ORD 4259; August 2003] [ORD 4332; November 2004] | | Unlimited FAR in RC-E zones. | |
| E. Maximum Floor Area Ratio (FAR) for Multiple Use developments involving Residential Use in RC-E Zone. | | | |

The maximum permitted FAR in the RC-E Zone for a multiple-use project involving residential use shall be determined by the mix of uses and ratio thereof in accordance with the following:

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20.20.50.E.5.E

% Non-Residential Floor Area	% Residential Floor Area							
	<20	20	30	40	50	60	70	80
20								(1.7)
30							(1.6)	
40						(1.55)		
50					(1.5)			
60				(1.4)				
70			(1.3)					
80		(1.2)						
90	(1.1)							
100	(1.0)							

[ORD 4259; August 2003]

() Represents factor to be multiplied times the maximum permitted FAR for a non-residential, - or non-multiple-use development to determine permitted FAR.

	RC-TO	<u>RC-OT</u>	<u>RC-E</u>
F. Minimum residential density in residential only projects. [ORD 4259; August 2003]	20 units per acre	12 units per acre	N/A

The minimum residential density in residential only projects shall be further restricted based upon lot dimensions, as follows:

		MINIMUM SITE DEPTH		
MINIMUM SITE WIDTH		0-100'	101'-139'	140'+
0-150'		0 DU/Acre	12 DU/Acre	**
151'-200'		10 DU/Acre	24 DU/Acre	**
201'+		10 DU/Acre	**	**

** Governed by standards set forth in 5.F. and G.

Note: When provisions are made off-site for required parking, the permissible density of all lots, regardless of size, shall be governed by 20.20.50.E.5.F and G.

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20.20.50.E.5.

		RC-TO	<u>RC-OT</u>	<u>RC-E</u>
G.	Maximum residential density in residential only projects.	60 units per acre	40 units per acre	40 units per acre
H.	Permitted Density (Dwelling Units/Acre-Du/Ac) and (Floor Area Ratio-FAR).			
	1. <u>General.</u> Except as otherwise approved through the Final Planned Unit Development process, phased development may be proposed, so long as each phase complies with the minimum density. [ORD 4224; August 2002] [ORD 4332; November 2004]			
	2. Method of Calculating Density and Intensity (FAR). Required minimum densities and FAR shall be calculated on a net acre basis, determined as follows: Gross acreage shall be reduced by:			
	a. Unbuildable land, such as wetlands, protected or regulated natural areas under Section 60.60 (Trees and Vegetation) and 40.90 (Tree Plan), other natural resource areas, drainage areas, or drainage facilities, which is set aside in an unbuildable tract of land or dedicated to the public; and			
	b. Other lands devoted to public or private streets or street right-of-way.			
I.	Lot Consolidation			
	1. In order to discourage development on small lots at densities or intensities that might result in poorly sited and designed structures, require multiple driveways along Major Pedestrian Routes or interfere with pedestrian or vehicular movement, and to encourage consolidation of small lots, the maximum allowable FAR in Non-Residential and Multiple Use projects shall comply with the standards set forth in Section 20.20.50.E.5.E and the allowable density in residential			

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projects with the density standards set forth in Section 20.20.50.E.5.H.

20.20.50.E.5.I.

2. A twenty (20) percent increase in the allowable FAR or residential density shall be permitted when a corner lot is located on a Major Pedestrian Route, is a lot of record as of December 9, 1999, and is consolidated with one or more adjoining lots to form a new lot with a minimum frontage of 150 feet on a Major Pedestrian Route, provided that where the newly consolidated lot adjoins a mid-block lot fronting on a Major Pedestrian Route and with a fronting lot width of less than 150 feet, a vehicular easement shall be granted to an adjoining mid-block lot to eliminate the need for vehicular access to the mid-block parcel from the Major Pedestrian Route.

J. Planned Unit Development (PUD) Bonus.

A Floor Area Ratio bonus of 0.2 shall be granted to a project submitted as a Final Planned Unit Development (Development Code Section 40.15.15.6). To be eligible for the FAR bonus, a project shall:

1. Have a minimum site area of one and one half acres or comprise a consolidation of four or more lots of record; and
2. Provide a total area equal to at least twenty percent of the site devoted to outdoor common area(s). This area may include public arcades, decks, or roof surfaces, provided such areas are easily accessible to the public and building tenants, and appropriately landscaped for such uses.

K. For developments or phases that involve multiple buildings, the floor area ratio may be averaged by totaling the square footage of the buildings divided by the square footage of the net acreage of land within such development or phase.**L. Separation of buildings is subject to the State Building Code and the Uniform Fire Code. [ORD 4312; June 2004]**

20.20.60 Supplementary Regulations

A. STATION AREAS [ORD 4224; August 2002] [ORD 4332; November 2004]

1. Specific District Development Approvals.

(Reserved)

20.20.60.

B. STATION COMMUNITIES [ORD 4332; November 2004]**1. Specific District Development Approvals.**

- A. Beaverton Creek Station Community District. Demonstrate by submittal of a General Site Plan as defined in Chapter 90 that compliance with the required minimum of 750 residential units either: 1) has previously been achieved within the district, 2) will be achieved as a result of the proposed development, or 3) can still be achieved within the district after completion of the proposed development.
- B. South Tektronix Station Community District. Onsite water quality and flood storage facilities shall be incorporated into the design landscape that create a natural transition between the facility and other site improvements. Within the water feature and the transition area only native vegetation identified on the Metro Native Plant List shall be permitted. The City may require financial guarantees for these facilities to ensure that the overall project is developed to comply with Metro Urban Growth Management Functional Plan Title 3. [ORD 4121; August 2000]

20.20.60.

C. CORRIDOR DISTRICTS [ORD 4265; September 2003] [ORD 4332; November 2004]

In addition to the site development requirements listed in Section 20.20.50.C development in Corridors shall be subject to the following supplemental development requirements:

1. **Extension of Facilities.** To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of water lines, sanitary and storm sewer lines through applicant's property to the property line of the adjoining or abutting property. Extension of streets shall conform to the requirements of Section 60.55 Transportation Facilities. Facilities required in accordance with this section shall be consistent with the acknowledged Comprehensive Plan. Where physical or topographic conditions make the extension of a facility or facilities impracticable, the City Engineer or designee may require a cash payment to the City in lieu of the extension of the facility or facilities, the amount of which shall be equal to the estimated cost of the extension(s) under more suitable conditions.
2. **Open Air Display:** Where permitted, open air sales/display/storage of merchandise shall be setback at least 20 feet from the front property line. The area shall be designated and subject to Board of Design Review approval.
3. **Method for Calculating Minimum Residential Density.** New residential development in Corridor zoning district must comply with the minimum density calculated below. Attached dwellings must calculate minimum density using 1,000 square feet as the minimum land area per dwelling unit in step 2 below. Detached dwellings must calculate minimum density using 4,000 square feet as the minimum land area per dwelling unit in step 2 below. Projects proposed at less than the minimum density must demonstrate on a site plan or other means how, in all aspects, future intensification of the site to the minimum density or greater can be achieved without an adjustment or a variance. If meeting the minimum density will require the submission and approval of an adjustment or variance application(s) above and beyond application(s) for adding new primary dwellings or land division of property, meeting minimum density shall not be required.

20.20.60.C.3.

For the purposes of this section, new residential development shall mean intensification of the site by adding new primary dwelling(s) or land division of the property. New residential development is not intended to refer to additions to existing structures, rehabilitation, renovation, remodeling, or other building modifications or reconstruction of existing structures.

Minimum residential density is calculated as follows:

1. Refer to the definition of Acreage, Net. Multiply the net acreage by 0.80.
2. Divide the resulting number in step 1 by the minimum land area required per dwelling of the applicable zoning district to determine the minimum number of dwellings that must be built on the site.
3. If the resulting number in step 2 is not a whole number, the number is rounded to the nearest whole number as follows: If the decimal is equal to or greater than 0.5, then the number is rounded up to the nearest whole number. If the decimal is less than 0.5, then the number is rounded down to the nearest whole number.

20.20.60.

D. TOWN CENTER DISTRICTS**1. Specific District Development Approvals.**

A. Murray Scholls Town Center Development Standards. The following standards shall apply to all development, or any development phase, located within the Murray Scholls Town Center.

1. Demonstrate by the submittal of a General Site Plan as defined in Chapter 90 that compliance with the required minimum of 1,050 residential units either: 1) has previously been achieved within the district, 2) will be achieved as a result of the proposed development, or 3) can still be achieved within the district after completion of the proposed development.
2. Demonstrate by the submittal of a General Site Plan as defined in Chapter 90 that compliance with the required maximum of 2,500 residential units either: 1) has not been achieved within the district, or 2) will not be achieved as a result of the proposed development.

[ORD 4332; November 2004]

20.20.60.

E. REGIONAL CENTER [ORD 4075; November 1999]

The purpose of the supplementary regulations and standards is to support existing and future businesses and development consistent with the intent and purpose of each of the three Regional Center District subareas as set forth in this ordinance [RC-TO: Section 20.20.43; RC-OT: Section 20.20.45; RC-E: Section 20.20.47]

1. Development Standards.

The following supplementary standards apply to all development within the Regional Center.

A. Streets that form a boundary of a Multiple Use District for which maximum front yard setbacks shall apply are:

1. Cedar Hills Boulevard
2. Farmington Road

[ORD 4332; November 2004]

2. Specific District Development Approvals.

A. (reserved)

F. MAIN STREETS (RESERVED)

**Multiple Use Districts: Method for Calculating Minimum
Residential Density**

**20.20.70 Method for Calculating Minimum Residential Density [ORD
4046; May 1999] [ORD 4107; May 2000]**

New development applications must comply with the minimum and maximum dwelling unit density requirements cited in the table below. Projects proposed at less than the minimum density cited in the following table must demonstrate on a site plan or other means how, in all aspects, future intensification of the site to the minimum density or greater can be achieved without a variance. This may be accomplished through a phased development through the approval of a Final Planned Unit Development. [ORD 4071; October 1999] [ORD 4224; August 2002] If meeting the minimum density will require the submission and approval of variance application(s) above and beyond application(s) for adding new primary dwelling units or land division of property, meeting minimum density shall not be required. [ORD 4111; June 2000]

For the purposes of this subsection, new development shall mean intensification of the site by adding new primary dwelling units, other than accessory dwelling units, or land division of the property. New development is not intended to refer to additions to existing structures, rehabilitation, renovation, remodeling, or other building modifications or reconstruction of existing structures.

Minimum density is calculated as follows:

1. Multiply the net acreage by the density figures in the table below.
2. If the value in step 1 is not a whole number, the number is rounded to the nearest whole number using mathematical rounding. If the decimal is equal to or greater than 0.5, then the number is rounded up to the nearest whole number. If the decimal is less than 0.5, then the number is rounded down to the nearest whole number.

Residential Density (Dwelling Units per Acre)				
Zoning District	SC-MU	SC-HDR	SA-MU	SA-MDR
Minimum	30 within 400' of the LRT station platform, 24 beyond the 400'	30 within 400' of the LRT station platform, 24 beyond the 400'	24	24
Maximum	None	None	30	30

20.20.85 Performance Standards

(None currently specified)

20.20.90. Natural Resource Protection and Enhancement**A. STATION AREAS [ORD 4224; August 2002]****1. Beaverton Creek Station Area District.**

Specific findings must be made for Natural Resources Policies a.-j. and n.-q. (Section 7.4.2.) in the Natural Resources and Open Spaces Chapter of the Beaverton Comprehensive Plan.

B. STATION COMMUNITIES**1. Beaverton Creek Station Community District**

In the preparation of a development proposal, the proposal must satisfy the following requirements. Proposals which would not satisfy these requirements must show an equal or greater level of resource protection and enhancement on the site through the Final Planned Unit Development process. [ORD 4224; August 2002]

- A. Protect clusters of grand fir and douglas-fir in the north central area near Jenkins and near the Jenkins and Murray intersection.
- B. Protect clusters of Oregon white oak, western red cedar and Oregon ash near the intersection of Jenkins and 153rd and north of the light rail tracks near Murray Boulevard.
- C. Protect clusters of ponderosa pine north of, and along the light rail tracks.
- D. Protect specimen trees throughout the District.
- E. A certified arborist or other qualified professional shall have responsibility for establishing the limits of disturbance near protected trees which at a minimum are subject to the requirements of this Section. The arborist or other professional shall review plans, notify the City, and be on site if construction is necessary within the established limits of disturbance.

**Multiple Use Districts: Natural Resource Protection
and Enhancement**

20.20.90.B.1.

- F. Tree clusters shall be protected in a manner which will minimize the risk for windthrow.
- G. Snags and dying trees, that do not pose a hazard, shall be left in protected areas to provide wildlife habitat.
- H. To minimize landscape maintenance and provide wildlife habitat, native plants shall be used in all protected areas and encouraged where appropriate throughout the District.
- I. The minimum undisturbed vegetated buffer for wetlands less than 0.5 acre is 25 feet. For wetlands 0.5 acre or greater, the minimum is 50 feet. The buffer between the protected wetland areas and development must be maintained unless a lesser buffer is allowed through the variance process. [ORD 4155; April 2001]
- J. Collected and treated stormwater shall be directed to wetland buffer areas in order to maintain predevelopment hydrologic conditions within the protected wetland area.
- K. Lighting near protected areas shall be minimized and directed away from those areas unless necessary for safety. If lighting is necessary for safety, it should be directed only to where it is needed for that purpose.
- L. Any necessary encroachment into protected areas by walks, roads or utilities shall generally follow the shortest route possible.
- M. All areas of protected trees, wetlands and other wildlife habitat shall be configured so as to protect the natural resource rather than to be only convenient for development.

[ORD 4265; September 2003]

20.20.90.B.

2. **South Tektronix Station Community District.** [ORD 4121; August 2000]

In the preparation of a Design Plan, development proposal must satisfy the requirements specified in Section 20.20.90.B.1.D - M. Proposals, which would not satisfy these requirements must show an equal or greater level of resource protection and enhancement on the site through the Final Planned Unit Development process. [ORD 4224; August 2002]

C. CORRIDOR AND MAIN STREET DISTRICTS (RESERVED)

20.20.90.

D. TOWN CENTERS

1. **General.** In the preparation of a Design Plan, development proposals must satisfy the following requirements. Proposals which would not satisfy these requirements must show an equal or greater level of resource protection and enhancement on the site through the final Planned Unit Development process. [ORD 4224; August 2002]
 - A. Protect specimen trees throughout the District.
 - B. A certified arborist or other qualified professional shall have responsibility for establishing the limits of disturbance near protected trees which at a minimum are subject to the requirements of this Section. The arborist or other professional shall review plans, notify the City, and be on site if construction is necessary within the established limits of disturbance.
 - C. Tree clusters shall be protected in a manner that will minimize the risk for windthrow.
 - D. Snags and dying trees, that do not pose a hazard, shall be left in protected areas to provide wildlife habitat.
 - E. To minimize landscape maintenance and provide wildlife habitat, native plants shall be used in all protected areas and encouraged where appropriate throughout the District.
 - F. Consistent with the Metro Code section 3.07.340, vegetative buffers ranging in width from 50 feet to 200 feet for primary protected water features and 15 feet to 50 feet for secondary protected water features shall be provided. The buffers shall be measured from the edge of bankfull flow or 2-year storm level, the delineated edge of a Title 3 stream and wetland, or both. Any new vegetation planted within the required buffer shall use plant materials native to the Portland Metropolitan area (see Metro native plant list).
 - G. Consistent with the recommended variance provisions of Section 9 of the Metro Title 3 Model Ordinance, an averaged undisturbed vegetative buffer width may be provided between the stream or significant wetland and any hard surface improvement or building. The required buffer should be treated as an average dimension to allow flexibility in design and increase opportunities to enhance wildlife habitat.

20.20.90.D.1.

- H. Development within the buffer areas should be avoided. If development within the buffer areas is unavoidable and the buffers are reduced, mitigation will be required as outlined in Metro Code section 3.07.340.D.3.d. Furthermore, adjacent urban development should include increased landscaping and street tree plantings to maximize tree canopy coverage and reduce the urban heating effect. Additional mitigation may be required consistent with the Metro Title 3 Model Ordinance. Increased landscaping will help reduce stream temperatures through the urban area.
- I. Collected and treated stormwater shall be directed to wetland buffer areas in order to maintain predevelopment hydrologic conditions within the protected wetland area.
- J. Lighting near protected areas shall be minimized and directed away from those areas unless necessary for safety. If lighting is necessary for safety, it should be directed only to where it is needed for that purpose.
- K. Any necessary encroachment into protected areas by walks, roads or utilities shall generally follow the shortest route possible.
- L. All areas of protected trees, wetlands and other wildlife habitat shall be configured so as to protect the natural resource rather than to be only convenient for development.

[ORD 4265; September 2003]

E. REGIONAL CENTER (RESERVED)

**Multiple Use Districts: Expansion and Enlargement
of Nonconforming Uses****20.20.95. Expansion and Enlargement of Nonconforming Uses****A. South Tektronix Station Community Zoning Districts. [ORD 4121; August 2000]**

For purposes of this section “preexisting use(s)” shall have the same meaning as nonconforming uses of land, nonconforming uses of structures, and nonconforming structures, including but not limited to preexisting site configurations not in compliance with current development standards. Uses of land, uses of structures, and structures in any of the South Tektronix Station Community zoning districts which are preexisting to the establishment of the South Tektronix Station Community zoning districts may be expanded or enlarged subject to this section. In the event this section requires interpretation the intent of Chapter 30 will control.

1. Any number of additions, expansions, enlargements, or modifications will be allowed upon findings that the proposed addition, expansion, or enlargement complies or is moving towards compliance with all appropriate development standards in this Code; provided, however, that in total the additions, expansions, enlargements, or modifications allowed under this subsection shall not exceed twenty (20%) of the gross floor area of the preexisting use as the use exists on September 28, 2000.
2. All additions, expansions, enlargements, or modifications of a preexisting use that take place after using the 20 percent addition, expansion, or enlargement exception shall be in conformance with the development standards of this Code. Projects may use the Final Planned Unit Development process to develop a site by phasing compliance with the development standards established in this ordinance. Such projects must demonstrate in the Planned Unit Development plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development. [ORD 4224; August 2002]

**Multiple Use Districts: Expansion and Enlargement
of Nonconforming Uses****20.20.95.A.**

3. If a pre existing and nonconforming use is involuntarily destroyed to an extent of more than 50% of its replacement cost at the time of destruction, then the use will retain its preexisting status under this provision so long as (a) the destroyed part of the use is at least 50% rebuilt, reconstructed, or replaced within three (3) years of the date of the loss; and (b) any new development other than the reestablished portion of the use conforms with the development standards of this Code, provided that in reestablishing the previously existing structure, the pad or footprint may be utilized in whole or in part. Projects may use the Final Planned Unit Development process to develop a site by phasing compliance with the development standards established in this ordinance. Such projects must demonstrate in the Planned Unit Development plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development. [ORD 4224; August 2002]

B. Regional Center

For purposes of this section “preexisting use(s)” shall have the same meaning as nonconforming uses of land, nonconforming uses of structures, and nonconforming structures, including but not limited to preexisting site configurations not in compliance with current development standards. Uses of land, uses of structures, and structures in any of the Regional Center districts which are preexisting to the establishment of the Regional Center districts may be expanded or enlarged subject to this section. In the event this section requires interpretation the intent of Chapter 30 will control.

1. Any number of additions, expansions, or enlargements will be allowed upon findings that the proposed addition, expansion, or enlargement complies or is moving towards compliance with all appropriate development standards in this Code; provided, however, that in total the additions, expansions, or enlargements allowed under this subsection shall not exceed twenty (20%) of the gross floor area of the preexisting use as the use exists on December 9, 1999.

**Multiple Use Districts: Expansion and Enlargement
of Nonconforming Uses**

20.20.95.B.

2. All additions, expansions, or enlargements of a preexisting use that take place after using the 20 percent addition, expansion, or enlargement exception shall be in conformance with the development standards of this Code. Projects may use the Final Planned Unit Development process to develop a site by phasing compliance with the development standards established in this Code. Such projects must demonstrate in the Planned Unit Development plans how future development of the site, to the minimum development standards established in this Code or greater, can be achieved at ultimate build out of the Planned Unit Development. [ORD 4224; August 2002]
3. If a pre existing and nonconforming use is involuntarily destroyed to an extent of more than 50% of its replacement cost at the time of destruction, then the use will retain its preexisting status under this provision so long as (a) the destroyed part of the use is at least 50% rebuilt, reconstructed, or replaced within three (3) years of the date of the loss; and (b) any new development other than the reestablished portion of the use conforms with the development standards of this Code, provided that in reestablishing the previously existing structure, the pad or footprint may be utilized in whole or in part. Projects may use the Final Planned Unit Development process to develop a site by phasing compliance with the development standards established in this ordinance. Such projects must demonstrate in the Planned Unit Development plans how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Planned Unit Development. [ORD 4224; August 2002]

CHAPTER 30 - NONCONFORMING USES

30.05. Purpose.

1. Within the districts established by this ordinance or amendments that may later be adopted there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date of this ordinance, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their perpetuation. It is further the intent of this ordinance that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses not permitted elsewhere in the same district except as specifically provided elsewhere in this ordinance.
2. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the district involved.

30.10. Pending Building Permits and Certain Existing or Approved Nonconforming Uses.

1. In order to avoid undue hardship, nothing in this ordinance shall require any change in the location, plans, construction, size, or designated use of any building, structure or part thereof, for which a required City building permit has been granted prior to the enactment of this ordinance, or which was lawfully permitted and for which the required building permit has been issued within an area annexed to the City prior to annexation thereof. If a building permit is revoked or for any reason becomes void, all rights granted by this subsection are extinguished and the project shall thereafter be required to conform to all the provisions of this ordinance.
2. The City Council may, by resolution duly passed prior to the effective date of this ordinance, establish certain classes of development which, notwithstanding the fact that building permits had not been issued prior to the effective date of this ordinance, shall be treated for the purpose of Section 30.10.1. as if such permit had been issued.

30.10.

3. A lawful use which would have been allowed pursuant to a master site plan or other development plan approved prior to the effective date of this ordinance by the Board of Design Review, Planning Commission or City Council, which has become a nonconforming use by this ordinance, or any other lawfully established use which has become nonconforming prior to or as a result of adoption of this ordinance, may be allowed, completed, or altered, as the case may be, as a conditional use, notwithstanding its nonconforming character, pursuant to the provisions stated below and the provisions and procedures of Section 40.15, except Sections 40.15.15.1.C, 2.C, 3.C, and 4.C, as now or hereafter constituted. [ORD 4071; October 1999] Nonconforming uses are not favored by the City and therefore, the application for a conditional use permit pursuant to this section may be denied as inappropriate under the circumstances. In order for it to be granted, the Planning Commission or, upon review or appeal, the City Council shall make special findings of fact, in lieu of those required under Section 40.15.15.1.C, 2.C, 3.C, and 4.C herein, to support the following conclusions:
 - A. That the location, size, design and functional characteristics of the nonconforming use are such that it will be reasonably compatible with and not have a significant impact upon the livability of and development of other properties in the surrounding area, nor will it be significantly offensive or disruptive to residents or other persons acting pursuant to a conforming use allowed by this ordinance.
 - B. That the nonconforming use, while not specifically permitted within the zone in which it is located, is generally consistent with the underlying general zoning classification (i.e., a residential, commercial or industrial use in corresponding residential, commercial or industrial district) and is found not to be totally inconsistent with the comprehensive plan;
 - C. That the allowance, completion or alteration will result in the City attaining one or more of the objectives set forth in Section 40.20.05 herein and that the benefit of meeting such objective(s) outweigh(s) any detriment of allowing or perpetuating a nonconforming use; and

30.10.3.

- D. That the allowance, completion or alteration does not constitute an expansion or increase in activity over and above that previously approved by a master site plan, site plan or other development plan or of that existing within an established use. (ORD 3124; May 1979)

30.15. Existing Office Use and Structure Exemption. Office uses and structures existing on the effective date of this ordinance are permitted outright and are exempt from site development requirements of Sections 20.15.50, 20.15.55, 20.15.60, and 20.15.65 that vary from the requirements in existence prior to the effective date of this ordinance. Such uses and structures are not subject to the nonconforming use and structure provisions of this ordinance (i.e. Sections 30.05 and 30.60) and may be continued, sold or rented for other office use, reconstructed, remodeled, expanded and possess all other rights as any permitted use in this section. Any accessory office use to a primary use permitted outright or conditionally prior to the date of this ordinance may not be expanded to replace the primary use but may become a primary use if it does not encroach into floor area used by the pre-existing primary use.

30.20. Nonconforming Lot of Record.

1. In any district, notwithstanding limitations imposed by other provisions of this ordinance, Permitted Principal Uses and Structures, and accessory buildings may be erected on any single lots of record after the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not abut other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

30.20.

2. If two or more lots, or combinations of lots and portions of lots in single ownership are of record at the effective date of this ordinance and are made nonconforming as to lot width or area by this ordinance the lots involved shall be considered to be an undivided parcel for the purposes of this ordinance. No portion of said undivided parcel which does not meet the appropriate lot area and width requirements established by this ordinance shall be conveyed, transferred or used in any manner. No division of the parcel shall be made which leaves any lot remaining with the width or area of the lot below the requirements of this ordinance; provided, however, that if a series of two or more lots or portions of lots are in single ownership and can be used or subdivided in such a manner that each comes within 10% of meeting lot area and lot width requirements for the district, each may be used as an individual lot.
3. Except as provided in Section 20.05.50.1.B. of this ordinance and notwithstanding the provisions of subsections 1. and 2., above, the use of a lot in any residential district which has an area deficiency shall be limited to a single family dwelling.

30.25. Nonconforming Uses of Land.

1. Except as provided in Section 30.10 where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure other than small or minor accessory buildings, the use may be continued so long as it remains otherwise lawful, provided:
 - A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
 - B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
 - C. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of land shall conform to the regulations specified by this ordinance for the district in which such land is located;

30.25.1.

- D. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.
2. Notwithstanding the provisions of subsection 1., above, any lawful nonconforming use of land or structure associated with that use which would be destroyed as a result of an action by a governmental agency, where the agency takes property through the exercise of its power of eminent domain, requires dedication of property for public purposes or limits the use of property through a required reservation of property for right-of-way purposes, may be moved to or reconstructed on the same lot and, if necessary, may be extended to an abutting lot in the same ownership in an area of land not occupied by the use on the effective date of this ordinance, provided that the use does not occupy an area greater than that occupied prior to the move. Such modification of the use or structure shall be subject to review by the Facilities Review Committee and, if within its established jurisdiction, the Board of Design Review. The request for such review shall be made prior to the destruction of the use or structure and if not made by such time the rights granted by this subsection shall be terminated. (ORD 3121; July 1979)

30.30. Nonconforming Structures.

- 1. Except as provided in Section 30.10 where a lawful structure exists at the effective date of adoption or amendment of this ordinance, that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered in a way that will not change or will decrease its nonconformity;
 - B. Should such nonconforming structure or nonconforming portion of structure be damaged by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance;

30.30.1.

- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
2. Notwithstanding the provisions of subsection 1., above, any lawful nonconforming structure which would be destroyed as a result of an action by a governmental agency where the agency takes property through the exercise of its power of eminent domain or requires dedication of property for public purposes, may be moved or reconstructed on the same lot, and if necessary, may be extended to an abutting lot in the same ownership provided that the resulting placement of the structure does not increase the nonconformity of the structure. Such modification shall be subject to review by the Facilities Review Committee and, if within its established jurisdiction, the Board of Design Review. The request for such reviews shall be made prior to the destruction of the structure and if not made by such time the rights granted by this subsection shall be terminated. (ORD 3121; July, 1979)

30.35. Nonconforming Uses of Structures.

- 1. Except as provided in Section 30.10, if a lawful use involving individual buildings or structures, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the district in which it is located;
 - B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

30.35.1.

- C. If no structural alterations are made, any nonconforming use of structure and premises may be changed to another nonconforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accordance with the provisions of this ordinance. An appeal of the Planning Commission's decision shall be allowed in the same manner as provided in Section 50.75. (ORD 3293, November 1982).
 - D. When a nonconforming use of a structure and premises is discontinued or abandoned for one year the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located.
 - E. Where nonconforming use status applies to a structure and premises, removal or destruction of the structure shall eliminate the nonconforming use status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50% of the replacement cost at time of destruction.
2. Notwithstanding the provisions of subsection 1., above, any lawful use involving individual buildings or structures, or of structures and premises in combination which would be destroyed as a result of an action by a governmental agency where the agency takes property through the exercise eminent domain, requires dedication of property for public purposes, or limits the use of property through a required reservation of property for right-of-way purposes, may be continued in a structure which is moved or reconstructed in accordance with Section 30.30.2., provided that the resulting use of the structure is not enlarged or increased except under conditions allowed by Section 30.35.1.B. Such modification or movement shall be subject to review by the Facilities Review Committee and, if within its established jurisdiction, the Board of Design Review. The request for such reviews shall be made prior to the destruction of the structure involved and if not made by such time the rights granted by this subsection shall be terminated. (ORD 3121; July, 1979)

30.40. Repairs and Maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, normal repairs or replacement on non-bearing walls, fixtures, wiring, or plumbing may be performed in a manner not in conflict with the other provisions of this section. However, nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

30.45. Uses Under Conditional Use Provisions Not Nonconforming Uses.

A permitted use existing before the effective date of this ordinance which is permitted only upon receiving a Conditional Use Permit under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

30.50. Nonconforming Parking, Loading, Signs or Other Characteristics of Use.

If the characteristics of a use, such as signs, off-street parking, off-street loading, lighting or other matters required by this ordinance in relation to specified uses of land, water areas, structures or premises, are not in accord with the requirements of this ordinance, no change shall be made in such characteristics of use which increases nonconformity with such requirements. Change shall be permitted in the direction of conformity with such requirements.

30.55. Determination of Nonconforming Status.

Determination of nonconforming status shall be processed as a Director's Interpretation. If the owner of a lot, structure or use is denied nonconforming status by the Planning Director, the owner may appeal the Director's decision to the Planning Commission. The appeal shall be heard in the manner set forth in Section 50.65.

30.60. Historical Land Uses.

1. The purpose of this section is to provide a means of exception from the provisions of Chapter 30 for those uses, structures and sites which existed prior to January 1, 1945 found by the Planning Commission, after review as provided by this section, to possess sufficient historical significance to warrant such exception. Uses, structures and sites gaining the status provided by this section shall be identified as historical uses.
2. The Commission shall review and make decisions and recommendations on all applications for the status of historical use made pursuant to this section. Prior to considering any application, the Commission shall meet for the purpose of developing and adopting the standards to be used in evaluating all applications.
3. The Commission shall develop the standards to be used in making the determinations regarding historical uses. The Commission may develop different standards for uses, structures or sites. Prior to the implementation of any standards they shall be approved by formal action of the Council. The Council may revise, delete or supplement any standards developed by the Commission.

The purpose of the standards is to provide a set of criteria articulating those characteristics which the Commission deems necessary to be possessed by a historical use. Such standards may include but are not limited to items dealing with characteristics such as past ownership, occurrence of significant historical events, architectural style, location, impact upon the historical development of the neighborhood areas as a whole or of any group, association or business and other similar considerations. (ORD 3123; July, 1979)

4. Application shall be made on a form supplied by the Planning Director and shall be accompanied by the appropriate application fee. Application may be made by the property owner, the Mayor, or any resident, or the Commission may initiate an application on its own motion. If a person other than the property owner makes the application, the property owner shall be notified in writing of the application, informed of the nature of this process and, informed of his right to fully participate in all aspects of the processing and hearings of the application.

30.60.

5. A report shall be prepared by the City staff. The form of the report shall be determined by the Commission. Upon completion of the report, the application shall be agendaed for a hearing before the Commission and copies of the report sent to the applicant and the property owner.
6. A hearing shall be held before the Commission on each application unless prior to the time of the hearing, the applicant withdraws his application. Notice of the time, date, place and nature of the hearing shall be sent by mail to the applicant and property owner. Notice of the Commission's agenda for every meeting, a brief description of each item on the agenda and the nature of the Commission's jurisdiction and powers in the matters shall be published once a week for the two weeks immediately preceding the date of the Commission's meeting. However, no date of publication shall be less than three days prior to the date of the meeting. Additional notice may be made as the Commission may determine.
7.
 - A. The Commission shall evaluate each application to determine whether the request satisfies the criteria and standards established by the Commission applicable to such request. The Commission shall make findings of fact to support the conclusions drawn in each case. The Commission may attach only those conditions to an approval which are reasonably conceived to insure that the purpose and intent of this section are not violated. A decision to approve a request must state with specificity from which provision of Chapter 30 the use, structure or site is exempt.
 - B. If the Commission's decision is for approval, a report of the Commission's decision and its recommendation shall be forwarded to the City Council. If the Commission's decision is for denial, a statement of that decision in writing shall be sent to the applicant within 21 calendar days of the date of the Commission's decision. The applicant or the property owner only may appeal a decision of denial to the City Council within ten (10) days of the date of the Commission's decision. The Council may hear the appeal on the record made before the Commission or may hear the matter de novo.

30.60.

8.
 - A. The Council may adopt, modify or reject any recommendation or decision of the Commission. It may also remand any matter back to the Commission for further consideration. The Council's decision shall be in writing and shall include findings of fact to support the conclusions drawn in each case.
 - B. Notice of any hearing by the Council of a Commission recommendation or decision shall be sent by regular mail in the manner provided by Section 50.75. The notice shall be substantially the same as that required to be mailed in Section 30.60.6. (ORD 3293; November, 1982)
 - C. Upon approval of an application by the Council the suffix (HU) shall attach to the zone designation for the property and such notation shall be made on the City zoning map. A record of each decision shall be maintained and made available to the public on request.
 - D. The effect of the approval is to exempt the historical use from certain restrictive provisions of Chapter 30 as specifically stated in the approval.
9. The status of historical use once established attaches to the use, structure or site and is not personal in nature, that is, ownership of the use, site or structure may be changed, nor is it transferable to a different location.

The status may be lost by violating any term or condition of the decision granting the status, by making a substantial change in the historical use from that as it existed at the time of gaining the status, or by total destruction of structures possessing the status. Loss of the status shall immediately cause the exemption from the provisions of Chapter 30 to cease and any subsequent development shall be in conformance with the terms of this ordinance.

CHAPTER 40 APPLICATIONS

[ORD 4224; September 2002]

40.03. FACILITIES REVIEW COMMITTEE

Consistent with Section 10.95.4 (Facilities Review Committee) of this Code, the Facilities Review Committee shall review the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, all Land Division, Public Transportation Facility, and Street Vacation. In making a recommendation on a proposal, the Facilities Review Committee shall base its recommendation on all the following technical criteria. All of these criteria shall be addressed at time of application by an applicant for development for conformity to Section 50.25.1.B: [ORD 4265; September 2003][ORD 4404; September 2006]

1. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.
2. Essential facilities and services are available or can be made available prior to occupancy of the development. In lieu of providing essential facilities and services, a specific plan strategy may be submitted that demonstrates how these facilities, services, or both will be provided within five years of occupancy.
3. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.
4. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
5. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.

40.03.

6. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.
7. The on-site vehicular and pedestrian circulation system connects to the surrounding circulation system in a safe, efficient, and direct manner.
8. Structures and public facilities and services serving the site are designed in accordance with adopted City codes and standards at a level which will provide adequate fire protection, including, but not limited to, fire flow, and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.
9. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.
10. That access and facilities for physically handicapped people are incorporated into the site and building design, with particular attention to providing continuous, uninterrupted access routes.
11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]

*Accessory Dwelling Unit***40.05. ACCESSORY DWELLING UNIT****40.05.05. Purpose.**

The purpose of an Accessory Dwelling Unit application is to provide a mechanism to allow accessory dwelling units. Accessory dwelling units are normal, incidental and subordinate to a detached dwelling. This Section is carried out by the approval criteria listed herein.

40.05.10. Applicability.

An Accessory Dwelling Unit application may be requested for a property with a detached dwelling as the principal use in any zoning district that allows accessory dwelling units.

40.05.15. Application.

There is a single Accessory Dwelling Unit application which is subject to the following requirements.

1. Accessory Dwelling Unit.

- A. Threshold. An application for Accessory Dwelling Unit shall be required when the following threshold applies:
 - 1. An accessory dwelling unit is proposed to be added to a property.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Accessory Dwelling Unit. The decision making authority is the Director.
- C. Approval Criteria. In order to approve an Accessory Dwelling Unit application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for an Accessory Dwelling Unit application.
 - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.

40.05.15.1.C.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
4. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.
5. The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Regulations) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
6. There is only one detached dwelling on the subject site.
7. The proposed accessory dwelling unit is no more than fifty percent (50%) of the gross floor area of the primary detached dwelling or 800 square feet, whichever is less.
8. The proposal is not located over any easement.
9. The exterior finish materials of the proposal is the same as the detached dwelling in terms of type, size, placement, and finish.
10. The roof pitch of the proposal matches the roof pitch of the detached dwelling.
11. The trim of the proposal is the same as the detached dwelling in type, size, location, and finish.
12. The windows of the proposal match those on the detached dwelling in terms of proportion (height to width ratio) and orientation (vertical vs. horizontal).
13. The eaves of the proposal project the same distance as the eaves on the detached dwelling.

Accessory Dwelling Unit

40.05.15.1.C.

14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for an Accessory Dwelling Unit shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Accessory Dwelling Unit application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of an Accessory Dwelling Unit application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.10. ADJUSTMENT**40.10.05. Purpose.**

The purpose of an Adjustment application is to provide a mechanism by which certain regulations in this Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein.

40.10.10. Applicability.

An Adjustment may be requested only for numerical Site Development Requirements contained in Chapter 20 (Land Uses) or the grading standards contained in Chapter 60 (Special Requirements) Section 60.15.15.5. [ORD 4397; July 2006]

40.10.15. Application.

There are Two (2) Adjustment applications which are as follows: Minor Adjustment, Major Adjustment. [ORD 4397; July 2006]

1. Minor Adjustment.

- A. Threshold. An application for Minor Adjustment shall be required when one or more of the following thresholds apply:
 - 1. Involves up to and including a 10% adjustment from the numerical Site Development Requirements specified in Chapter 20 (Land Uses).
 - 2. Involves up to and including a 10% adjustment from the numerical Development Standards for Grading specified in Section 60.15.15.05, Land Division Grading standards of this Code.[ORD 4397; July 2006]
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Minor Adjustment. The decision making authority is the Director.

40.10.15.1.

C. Approval Criteria. In order to approve a Minor Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Minor Adjustment application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. Special conditions exist which are unique to the land, structure, or building involved.
4. Granting the adjustment will result in a project that equally or better meets the regulation to be modified.
5. Granting the adjustment as part of the overall project will not obstruct pedestrian or vehicular movement.
6. The adjustment will allow City designated scenic resources, natural areas, and/or historic resources, if present, to be preserved.
7. If more than one (1) adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zone.
8. Any adjustment granted shall be the minimum that will make possible a reasonable use of land, building, and structures.
9. The proposal incorporates building, structure, or site design features or some combination thereof which compensate for adjusting the Site Development Requirement.
10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions

40.10.15.1.C.10.

are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.

11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
12. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.
13. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Minor Adjustment shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Minor Adjustment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

40.10.15.1.

- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Minor Adjustment application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

Section 40.10.15.2

Deleted [ORD 4365; September 2005]

40.10.15.

2. Major Adjustment.

- A. Threshold. An application for Major Adjustment shall be required when one or more of the following thresholds apply:
1. Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Site Development Requirement specified in Chapter 20 (Land Uses).
 2. Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Development Standards for Grading specified in Section 60.15.15.05, Land Division, Grading standards of this Code. [ORD 4397; July 2006]
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Major Adjustment. Upon determination by the Director, the decision making authority will be either the Planning Commission or the Board of Design Review. The determination will be based upon the characteristics of the proposal and any other associated applications.
- C. Approval Criteria. In order to approve a Major Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Major Adjustment application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. Special conditions exist which are unique to the land, structure, or building involved.
 4. Granting the Major Adjustment will result in a project that equally or better meets the regulation to be modified.

40.10.15.2.C.

5. Granting the adjustment will not obstruct pedestrian or vehicular movement.
6. The adjustment will allow City designated scenic resources, natural areas, and/or historic resources, if present, to be preserved.
7. If more than one (1) adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zone.
8. Any adjustment granted shall be the minimum adjustment that will make possible a reasonable use of land, building, and structures.
9. The proposal incorporates building, structure, or site design features which compensate for adjusting the Site Development Requirement.
10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.
11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
12. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.

40.10.15.2.C.

13. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Major Adjustment shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Major Adjustment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Major Adjustment application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

Section 40.10.15.4

Deleted [ORD 4365; September 2005]

APPLICATIONS

Adjustment

40.15. CONDITIONAL USE**40.15.05. Purpose.**

The purpose of a Conditional Use application is to allow uses on a case by case basis which warrant special review because of their size or operation. These uses are subject to the conditional use regulations because they may, but do not necessarily, cause significant adverse effects on the environment, overburden public services, change the character of an area, create or foster nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts these uses may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions specifying mitigation measures to address identified impacts, or to deny the use if the impacts are substantial and the impacts cannot be mitigated. A Preliminary, Final, or both Planned Unit Development approval may allow adjustment, variance, or both to Site Development Requirements in Chapter 20 (Land Uses) without the necessity for separate Adjustment or Variance application, findings, and approvals. This Section is carried out by the approval criteria listed herein.

40.15.10. Applicability.

The uses listed in Chapter 20 (Land Uses) for each zoning district as a Conditional Use shall be subject to the provisions of this section.

40.15.15. Application.

There are six (6) conditional use applications which are as follows: Minor Modification of a Conditional Use, Major Modification of a Conditional Use, Administrative Conditional Use, New Conditional Use, Preliminary Planned Unit Development, and Final Planned Unit Development.

1. Minor Modification of a Conditional Use.

A. Threshold. An application for Minor Modification of a Conditional Use shall be required when one or more of the following thresholds apply:

1. An increase in the gross floor area of a conditional use up to and including 10% and less than 1,000 gross square feet of floor area for all properties that are not located in a residential zoning district and are located at a distance of more than 50 feet from a residential zoning district.

40.15.15.1.A.

2. A projected or actual increase in vehicular traffic to and from a site approved for a conditional use of up to and including 100 vehicle trips per day as determined by using the Institute of Transportation Engineers (ITE) Trip Generation manual or an evaluation by a traffic engineer or civil engineer licensed by the State of Oregon for all properties that are not located in a residential zoning district and are located at a distance of more than 50 feet from a residential zoning district.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Minor Modification of a Conditional Use. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Minor Modification of a Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Minor Modification of a Conditional Use application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 4. The proposal complies with conditions of an applicable conditional use approval.
 5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.15.15.1.

- D. Submission Requirements. An application for a Minor Modification of a Conditional Use shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Minor Modification of a Conditional Use application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Minor Modification of a Conditional Use application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.15.15.

2. Major Modification of a Conditional Use.

- A. Threshold. An application for Major Modification of a Conditional Use shall be required when one or more of the following thresholds apply:
1. Any increase in the gross floor area of a conditional use on properties located in a residential zoning district or within a distance of up to and including 50 feet of a residential zoning district.
 2. An increase in the gross floor area of a conditional use by more than 10% or in excess of 1,000 gross square feet of floor area for all properties that are not located in a residential zoning district and are located at a distance of more than 50 feet from a residential zoning district.
 3. Any projected or actual increase in vehicle trips per day to and from a site approved for a conditional use as determined by using the Institute of Transportation Engineers (ITE) Trip Generation manual or an evaluation by a traffic engineer or civil engineer licensed by the State of Oregon for all properties that are located in a residential zoning district or are located at a distance of up to and including 50 feet from a residential zoning district.
 4. A projected increase in vehicular traffic to and from a site approved for a conditional use of more than 100 vehicle trips per day as determined by using the Institute of Transportation Engineers (ITE) Trip Generation manual or an evaluation by a traffic engineer or civil engineer licensed by the State of Oregon for all properties that are not located in a residential zoning district and are located at a distance of more than 50 feet from a residential zoning district.
 5. Any increase in the number of dwellings or residential lots.

[ORD 4365; September 2005]

40.15.15.2.

- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Major Modification of a Conditional Use. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Major Modification of a Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Major Modification of a Conditional Use application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal complies with the applicable policies of the Comprehensive Plan.
 4. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
 5. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.
 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.15.15.2.

- D. Submission Requirements. An application for a Major Modification of a Conditional Use shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Major Modification of a Conditional Use application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Major Modification of a Conditional Use application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.15.15.

3. Administrative Conditional Use.

A. Threshold. An application for Administrative Conditional Use shall be required when one or more of the following thresholds apply:

1. Placement of one or more portable classroom on a public or private school site.

[ORD 4332; November 2004]

B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Administrative Conditional Use. The decision making authority is the Director.

C. Approval Criteria. In order to approve an Administrative Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for an Administrative Conditional Use application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal complies with conditions of an applicable conditional use approval.
4. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability of properties adjoining the subject site.
5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.15.15.3.

- D. Submission Requirements. An application for a Administrative Conditional Use shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Administrative Conditional Use application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Administrative Conditional Use application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.15.15.

4. Conditional Use.

- A. Threshold. An application for Conditional Use shall be required when the following threshold applies:

1. A new conditional use is proposed.

[ORD 4332; November 2004]

- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Conditional Use. The decision making authority is the Planning Commission.

- C. Approval Criteria. In order to approve a Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Conditional Use application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal will comply with the applicable policies of the Comprehensive Plan.
4. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
5. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.
6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.15.15.4.

- D. Submission Requirements. An application for a Conditional Use shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Conditional Use application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Conditional Use application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.15.15.

5. Preliminary Planned Unit Development.

- A. Threshold. A Preliminary Planned Unit Development (PUD) application is an optional application process which may be chosen by the applicant. A Preliminary PUD application is the first application of a two-step application process with a Final PUD application as the second step. A Preliminary PUD is a plan that generally demonstrates the ultimate development of a project. A Preliminary PUD may be applied to properties within any City zoning district except Residential-Agricultural (RA).
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Preliminary PUD. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Preliminary PUD application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Preliminary PUD application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless the setbacks are approved as an Adjustment, Flexible Setback or Variance which shall be considered concurrently with the subject proposal.
 4. The proposal will comply with the applicable policies of the Comprehensive Plan.
 5. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

40.15.15.5.C.

6. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.
 7. Lessening the Site Development Requirements results in benefits to the site, building, and structural design or preservation of natural features that could otherwise not be achieved.
 8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Preliminary PUD shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Preliminary PUD application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Preliminary PUD application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. The decision shall expire two (2) years after of the date of decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.15.15.

6. Final Planned Unit Development

- A. Threshold. A Final Planned Unit Development (PUD) application is the second application of a two-step application process with a Preliminary PUD as the first step. A Final PUD application may also be a one-step application process which is an alternative to the two-step process required when an applicant chooses to apply for a Preliminary PUD. The option of a one-step or two-step process rests with the applicant. The requirements for a Final PUD may be applied to properties within any City zoning district except Residential-Agricultural.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Final PUD approval. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Final PUD application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Final PUD application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. If a Preliminary PUD has been approved, the Final PUD is filed within two (2) years or the Preliminary PUD has received an extension approval pursuant to Section 50.93 of this Code.
 4. The final PUD complies with the approved Preliminary PUD, if any.
 5. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless the setbacks are approved as an Adjustment, Flexible Setback or Variance

Conditional Use

which shall be considered concurrently with the subject proposal.

40.15.15.6.C.

6. The proposal complies with the applicable policies of the Comprehensive Plan.
 7. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
 8. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.
 9. The lessening of the Site Development Requirements results in benefits to the enhancement of site, building, and structural design or preservation of natural features.
 10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Final PUD shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Final PUD application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Final PUD application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision.

Conditional Use

1. If the application proposes to develop the PUD in a single phase, the decision shall expire two (2) years after the date of decision. Refer to Section 50.90.

40.15.15.6.G.

2. If the application proposes to develop the PUD over multiple phases, the decision making authority may approve a time schedule of not more than five (5) years for the multiple development phases. However, all PUD phases must commence construction within five (5) years of the date of decision of the Final PUD. Refer to Section 50.90.

H. Extension of a Decision. Refer to Section 50.93.

40.20. DESIGN REVIEW [ORD 4332; November 2004]**40.20.05. Purpose.**

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development.

To achieve this purpose, the Design Review process is divided into two major components; Design Standards and Design Guidelines. Both standards and guidelines implement Design Principles, which are more general statements that guide development of the built environment. The Design Standards are intended to provide a "safe harbor" approach to designing a project. Depending on the design thresholds, designing a project to the standards would result in an administrative review process. However, the applicant may elect to bypass design review under the Design Standards and go straight to Design Review under the Design Guidelines, at the applicant's option.

An applicant for Design Review approval can address design review requirements through a combination of satisfying certain Design Standards, and in instances where it elects not to utilize Design Standards, satisfy applicable Design Guidelines. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable Design Guidelines only.

Because the Design Standards are a "safe harbor", there is no penalty for not meeting the Design Standards. Rather, the public hearing process would be required to consider the project by relying solely on the Design Guidelines. The Design Guidelines are intended to maintain as much flexibility and originality as desired. The project proponent will simply be required to demonstrate how the project meets the Design Principles and Design Guidelines at a public hearing. The decision making authority must make findings how the guidelines are met or if they apply to the proposal.

The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

40.20.10. Applicability.

1. The scope of Design Review shall be limited to the exterior of buildings, structures, and other development and to the site on which the buildings, structures, and other development is located.
2. Considering the thresholds for the Design Review Compliance Letter, Design Review Two, or Design Review Three and unless exempted by Section 40.20.10.3, Design Review approval shall be required for the following:
 - A. All uses listed as Conditional Uses in the RA, R10, R7, R5, and R4 zoning districts.
 - B. All uses listed as Permitted and Conditional Uses in the R3.5, R2, and R1 residential zoning districts.
 - C. All uses listed as Permitted and Conditional Uses in all commercial, industrial, and multiple use zoning districts.
 - D. Site grading.
3. Design Review approval shall not be required for the following:
 - A. All uses listed as Permitted Uses in the RA, R10, R7, R5, and R4 residential zoning districts.
 - B. Detached dwellings and related residential accessory structures in any zoning district.
 - C. Maintenance of a building, structure, or site in a manner that is consistent with previous approvals.
 - D. Painting of any building in any zoning district.
 - E. Wireless communication facilities.
4. Design review approval through one of the procedures noted in Section 40.20.15. will be required for all new development where applicable. The applicable design principles, standards or guidelines will serve as approval criteria depending on the procedure. Existing developments, and proposed additions, demolitions and redevelopments associated with them, will be treated according to the following principles:

40.20.10.4.

- A. Development constructed or approved prior to the effective date of the ordinance adopting the design review update is not subject to new principles, standards and guidelines, and is considered fully conforming to the approvals issued at the time the development was approved by the City. Existing developments are not considered non-conforming if they do not meet new design standards. If existing development is structurally damaged or destroyed by casualty, replacement shall occur as follows:
1. If structural damage or destruction is less than or equal to fifty percent (50%) of the existing gross floor area of the existing development, the area of damage or destruction can be replaced as legally existed on the site before the casualty loss.
 2. If structural damage or destruction is more than fifty percent (50%) of the existing gross floor area of the existing development, the area of damage or destruction must meet the provisions of this Code in every regard unless otherwise authorized by the provisions of this Code.
- B. Proposed new free-standing building(s) within an existing development will be subject to all applicable design standards.
- C. Proposed redevelopment of existing structures, where demolition of up to and including 25% of the area of the existing structure is proposed, and where improvements are proposed to be located within the area of demolition, design standards or design guidelines are not applicable. If demolition is proposed greater than 25% up to and including 50% of the existing structure, and where improvements are proposed to be located within the area of demolition, 10% of the overall construction budget for new building improvements will be required to be devoted to improving portions of the building, site, or both so as to meet applicable design standards or design guidelines. If demolition is proposed greater than 50% of the area of the existing structure, the full redevelopment project is subject to all applicable design standards or design guidelines. [ORD 4365; September 2005]

40.20.10.

5. Design Review approval is required for all applicable new and existing developments. The City recognizes, however, that meeting all applicable design standards in an early phase of a multi-phased development on a large site may be difficult. It also recognizes that creating high quality pedestrian environments along Arterial Streets poses many challenges. In recognition of these and other issues, the following options are available.
 - A. Projects may use a Design Review Build-out Concept Plan (DRBCP), approved through a Type 3 process, to develop a site by demonstrating conceptually full compliance at build-out with the design review standards established in Section 60.05. Such projects must demonstrate in a DRBCP how future development of the site, to the minimum applicable floor area development standards contained in Chapter 20 of the Beaverton Development Code and to the minimum applicable design standards contained in Chapter 60.05 or greater, can be achieved at ultimate build out of the DRBCP. A DRBCP shall:
 1. Include an overall site area of at least three (3) acres;
 2. Not rely on the removal of a structure greater than 20% of the gross floor area of a development constructed in an early phase in order to demonstrate compliance in later phases.
 - B. When a development site abuts two (2) or more Arterial Streets that are also designated Major Pedestrian Routes, application of the applicable design standards may be moved from along the Arterial Streets. This alternative is to provide parking lot drive aisles developed as internal private streets, and to locate buildings along the internal private streets, subject to the following:
 1. The internal private streets shall extend from the Arterial Street to another public street, or back to an Arterial Street in such a way that street continuity is maintained along the entire internal street, and with abutting properties.
 2. A public access easement shall be required along the internal private streets.

40.20.10.5.B.

3. Buildings shall occupy a minimum percentage of the frontage of the internal private streets that is equal to the amount of lineal building frontage that would have been required under the standards for the Major Pedestrian Routes, and a minimum of 50% of the internal private streets shall have building frontage on both sides of the street.
4. All applicable design standards contained in Section 60.05, particularly 60.05.15.6 Building location and orientation along streets in Multiple Use Districts, 60.05.15.7 Building scale along streets in Multiple Use Districts, 60.05.20.9 Street frontages in Multiple Use Districts, and 60.05.20.10 Ground floor uses in parking structures shall be met by buildings along the internal private streets.

40.20.15. Application.

There are three (3) Design Review applications which are as follows: Design Review Compliance Letter, Design Review Two, and Design Review Three.

1. Design Review Compliance Letter.

- A. Threshold. An applicant may utilize the Design Review Compliance Letter process when the application is limited to one or more of the following categories of proposed action:
 1. Minor design changes to existing building or site including, but not limited to:
 - a. Façade changes, except changes in color.
 - b. Addition, elimination, or change in location of windows.
 - c. Addition, elimination, or change in location of person doors and loading doors.
 - d. Addition of new and change to existing awnings, canopies, and other mounted structures to an existing façade.
 - e. Demolition or other reduction of up to 25 percent of the existing building square footage.

40.20.15.1.A.1.

- f. Modification of up to 15 percent on-site landscaping with no reduction in required landscaping.
 - g. Modification of off-street parking with no reduction in required parking spaces or increase in paved area.
 - h. Addition of new fences, retaining walls, or both.
 - i. Changing of existing grade.
 - j. Removal of up to 5 Landscape Trees [ORD 4365; November 2005]
 - k. Addition of no more than twenty-five (25) percent landscape features that consist only of natural materials. [ORD 4397; July 2006]
- 2. Proposed additions of gross floor area to buildings in residential, commercial, or multiple use zones up to and including building area equal to 25% of the gross square feet of floor area of the existing building, but not to exceed 2,500 gross square feet of floor area.
- 3. Proposed additions to buildings in industrial zones up to and including building area equal to 15% of the gross square feet of floor area of the existing building, but less than 30,000 gross square feet of floor area.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Design Compliance Letter. The decision making authority is the Director.
- C. Approval Criteria. [ORD 4365; September 2005] In order to approve a Design Review Compliance Letter application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Design Compliance Review Letter.
 - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.

40.20.15.1.C.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
4. The proposal meets all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.
5. The proposal, which is not an addition to an existing building, is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
6. If applicable, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:
 - a. Building articulation and variety. (Section 60.05.15.1).
 - b. Roof forms. (Section 60.05.15.2).
 - c. Building materials. (Section 60.05.15.4).
 - d. Foundation landscaping requirements. (Section 60.05.25.3.D.).
 - e. Screening roof-mounted equipment requirements. (Section 60.05.15.5).
 - f. Screening loading areas, solid waste facilities and similar improvements. (Section 60.05.20.2).
 - g. Lighting requirements. (Section 60.05.30).
 - h. Pedestrian circulation.
7. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).
8. Except for conditions requiring compliance with approved plans, the proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.

40.20.15.1.C.

9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Design Compliance Letter shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Compliance Letter application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Design Compliance Letter application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.20.15.

2. Design Review Two.

- A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:
1. New construction of up to and including 50,000 gross square feet of floor area where the development does not abut any residential zone.
 2. New construction of up to and including 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.
 3. New construction of attached residential dwellings excluding duplexes, in any zone where attached dwellings are a permitted or conditional use. [ORD 4410; November 2006]
 4. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet of floor area.
 5. Proposed additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s), but less than 30,000 gross square feet.
 6. Any change in excess of 15 percent of the square footage of on-site landscaping or pedestrian circulation area with the exception for an increase in landscape art of up to 25 percent.[ORD 4397; July 2006]
 7. Any new or change to existing on-site vehicular parking, maneuvering, and circulation area which adds paving or parking spaces.
 8. New parks in non-residential zoning districts.

40.20.15.2.

9. [ORD 4365; September 2005] Removal of more than five (5) Landscape Trees. [ORD 4404; September 2006]

B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Design Review Two. The decision making authority is the Director.

C. Approval Criteria. [ORD 4365; September 2005] In order to approve a Design Review Compliance Letter application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Design Review Two application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
4. The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
5. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Standards if any of the following conditions exist:
 - a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable standard; or
 - b. The location of existing structural improvements prevent the full implementation of the applicable standard; or

40.20.15.2.C.5.c.

- c. The location of the existing structure to be modified is more than 300 feet from a public street.

If the above listed conditions are found to exist and it is not feasible to locate a proposed addition in such a way that the addition abuts a street, then all applicable design standards except the following must be met:

- d. If in a Multiple-Use District, building location, entrances and orientation along streets, and parking lot limitations along streets (Standards 60.05.15.6 and 60.05.20.8)
- e. If in a Multiple-Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8).

- 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a Design Review Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Review Two application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Design Review Two application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.20.15.

3. Design Review Three.

- A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:
1. New construction of more than 50,000 gross square feet of non-residential floor area where the development does not abut any residential zone. [ORD 4397; July 2006] [ORD 4410; Nov. 2006]
 2. New construction or addition of more than 30,000 gross square feet of non-residential floor area where the development abuts or is located within any residential zone. [ORD 4410; Nov. 2006]
 3. Additions to buildings in residential, commercial, or multiple use zones exceeding 25% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet of floor area.
 4. Additions to buildings in industrial zones exceeding 15% of the gross square feet of floor area of the existing building(s) and more than 30,000 gross square feet.
 5. Projects proposed utilizing the options described in Section 40.20.10.5.
 6. New parks in residential zoning districts.
 7. A project meeting the Design Review Compliance Letter thresholds which does not meet an applicable design standard(s).
 8. A project meeting the Design Review Two thresholds which does not meet an applicable design standard.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Design Review Three. The decision making authority is the Board of Design Review.

40.20.15.3.

- C. Approval Criteria. [ORD 4365; September 2005] In order to approve a Design Review Compliance Letter application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Design Review Three application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
 4. For proposals meeting Design Review Three application thresholds numbers 1 through 6, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines).
 5. For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Guidelines if any of the following conditions exist:
 - a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or
 - b. The location of existing structural improvements prevent the full implementation of the applicable guideline; or
 - c. The location of the existing structure to be modified is more than 300 feet from a public street.

40.20.15.3.C.

6. For DRBCP proposals which involve the phasing of required floor area, the proposed project shall demonstrate how future development of the site, to the minimum development standards established in this Code or greater, can be realistically achieved at ultimate build out of the DRBCP.
7. For proposals meeting Design Review Three application Threshold numbers 7 or 8, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) except for the Design Standard(s) where the proposal is applying to instead meet the applicable Design Guideline(s).
8. For proposals meeting Design Review Three application Threshold numbers 7 or 8, the proposal is consistent with the applicable provisions of Sections 60.05.35 through 60.05.50 (Design Guidelines) where the proposal does not meet the related provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Design Review Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Design Review Three application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Design Review Three application to ensure compliance with the approval criteria.

Director's Interpretation

40.20.15.3.

- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

*Director's Interpretation***40.25. DIRECTOR'S INTERPRETATION****40.25.05. Purpose.**

The purpose of the Director's Interpretation is to address new uses which may come into existence over time that are not addressed specifically in the Code or some of the terms or phrases within the Code which may require further interpretation. The Director's Interpretation is established for resolving Code interpretation issues in advance of, or concurrent with, applying for approval of an application, development, permit, or other action. This Section is carried out by the approval criteria listed herein.

40.25.10. Applicability.

The Director shall have the initial authority and responsibility to interpret all terms, provisions, and requirements of this Code.

40.25.15. Application.

There is a single Director's Interpretation application which is subject to the following requirements.

1. Director's Interpretation.

- A. Threshold. An application for Director's Interpretation shall be required when one or more of the following thresholds apply:
 - 1. A request that the Director interpret the Development Code in writing.
 - 2. A request that the Director provide a determination of nonconforming status of a lot, structure, or use in writing.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Director's Interpretation. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Director's Interpretation application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

Director's Interpretation

1. The proposal satisfies the threshold requirements for a Director's Interpretation application.

40.25.15.1.C.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. That the interpretation is consistent with the City's Comprehensive Plan and other provisions within this Code.
4. When interpreting that a use not identified in the Development Code is a permitted, a conditional, or prohibited use, that use must be substantially similar to a use currently identified in the subject zoning district or elsewhere in the Development Code.
5. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Director's Interpretation shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Director's Interpretation application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Director's Interpretation application to ensure compliance with the approval criteria.
- F. Appeal of Decision. Refer to Section 50.65.

Director's Interpretation

40.25.15.1.

- G. Expiration of a Decision. A Director's Interpretation shall not expire unless superseded by a subsequent Director's Interpretation or a Development Code change.
- H. Extension of a Decision. Because a Director's Interpretation does not expire, extension of a Director's Interpretation is not necessary. If a prior Director's Interpretation is superceded, the prior Director's Interpretation will no longer be in effect and cannot be extended.

*Flexible and Zero Yard Setbacks***40.30. FLEXIBLE AND ZERO YARD SETBACKS****40.30.05. Purpose.**

The purpose of flexible and zero yard setbacks is to encourage flexibility in building design and layout, while providing for open space, adequate light, air, and safety. It is also recognized that a reduction in the setback standards may create compatibility problems for surrounding properties. The following provisions allow flexible setbacks in a manner which is appropriate given the unique character of the property involved and the surrounding area. This Section is carried out by the approval criteria listed herein.

40.30.10. Applicability.

Development on a lot of record in Residential, Commercial, Industrial, and Multiple Use zoning districts may request approval of the flexible or zero setback provisions of this section.

40.30.15. Application Types.

There are five (5) Flexible and Zero Yard Setback applications which are as follows: Flexible Setback for Individual Lot With Endorsement; Flexible Setback for Individual Lot Without Endorsement; Flexible Setback for a Proposed Land Division; Zero Side or Zero Rear Yard Setback for a Proposed Land Division in Residential Districts; and Zero Side Yard Setback for a Proposed Land Division in the Commercial, Industrial, or Multiple Use Districts.

1. Flexible Setback for Individual Lot With Endorsement.

- A. Threshold. An application for Flexible Setback for an Individual Lot With Endorsement shall be required when the following threshold applies:
 - 1. Development on individual residentially zoned lots of record proposes to use flexible setbacks and can demonstrate abutting property owners of record endorsement of the request.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Flexible Setback for Individual Lot With Endorsement. The decision making authority is the Director.

Flexible and Zero Yard Setbacks

40.30.15.1.

- C. Approval Criteria. In order to approve a Flexible Setback on Individual Lot With Endorsement application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Flexible Setback on Individual Lot With Endorsement application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 4. The proposal does not violate any recorded Solar Access requirements.
 5. The proposal meets the minimum standards specified in Section 20.05.50.3.D of this Code.
 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Flexible Setback for Individual Lot With Endorsement shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Flexible Setback for Individual Lot With Endorsement application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Flexible Setback for Individual Lot With Endorsement application to ensure compliance with the approval criteria.

Flexible and Zero Yard Setbacks

40.30.15.1.

- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

Flexible and Zero Yard Setbacks

40.30.15.

2. Flexible Setback for Individual Lot Without Endorsement.

- A. Threshold. An application for Flexible Setback for an Individual Lot Without Endorsement shall be required when the following threshold applies:
1. Development on individual residentially zoned lots of record proposes to use flexible setbacks and cannot demonstrate abutting property owners of record endorsement of the request.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Flexible Setback for Individual Lot Without Endorsement. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Flexible Setback on Individual Lot Without Endorsement application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Flexible Setback on Individual Lot Without Endorsement application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal does not violate any recorded Solar Access Permit requirements.
 4. The proposal meets the minimum standards specified in Section 20.05.50.3.D of this Code.
 5. The proposal is compatible with the surrounding area regarding topography, vegetation, building character, and site design. In determining compatibility, consideration shall be given to harmony in: scale, bulk, coverage, density, rooflines, and materials.

Flexible and Zero Yard Setbacks

40.30.15.2.C.

6. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.
7. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.
8. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
9. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Flexible Setback for Individual Lot Without Endorsement shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Flexible Setback for Individual Lot Without Endorsement application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

Flexible and Zero Yard Setbacks

40.30.15.2.

- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Flexible Setback for Individual Lot Without Endorsement application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

Flexible and Zero Yard Setbacks

40.30.15.

3. Flexible Setback for a Proposed Residential Land Division.

- A. Threshold. An application for Flexible Setback for a Proposed Residential Land Division shall be required when the following threshold applies:
1. The property is located within a residential zoning district and is accompanied by a land division application for the subject property.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Flexible Setback for a Proposed Residential Land Division and shall be considered concurrently with the proposed land division. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Flexible Setback for a Proposed Residential Land Division application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Flexible Setback for a Proposed Residential Land Division application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal is compatible with the surrounding area, which is defined as abutting properties and properties directly across the street from the proposal site. Properties directly across the street from the development shall be those properties perpendicular from any property line of the proposal. Findings for compatibility must be made with regard to topography, vegetation, building character, and site design. In determining compatibility, consideration shall be given to harmony in: scale, bulk, coverage, density, rooflines, and materials.

Flexible and Zero Yard Setbacks

40.30.15.3.C.

4. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.
5. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
6. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Flexible Setback for a Proposed Residential Land Division shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Flexible Setback for a Proposed Residential Land Division application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Flexible Setback for a Proposed Residential Land Division application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.

Flexible and Zero Yard Setbacks

40.30.15.3.

H. Extension of a Decision. Refer to Section 50.93.

Flexible and Zero Yard Setbacks

40.30.15.

4. Zero Side or Zero Rear Yard Setback for a Proposed Residential Land Division.

- A. Threshold. An application for Zero Side or Zero Rear Yard Setback for a Proposed Residential Land Division shall be required when the following threshold applies:
1. The property is located within a residential zoning district and is accompanied by a land division application for the subject property.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Zero Side or Zero Rear Yard Setback for a Proposed Residential Land Division in any residential zoning district and shall be considered concurrently with the proposed land division. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Zero Side Yard or Zero Rear Yard Setback for a Proposed Residential Land Division application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Zero Side Yard or Zero Rear Yard Setback for a Proposed Residential Land Division application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The side or rear yard setback on all adjacent lots which abut the proposed zero side or rear setback are either zero feet (0') or ten feet (10') or more.
 4. The zero side or zero rear yard is not abutting a public right-of-way or any access easement.
 5. No portion of a structure or architectural feature shall project over a property line related to the zero side or rear

Flexible and Zero Yard Setbacks

yard setback unless a permanent easement allowing such projection has been granted.

40.30.15.4.C.

6. A four foot (4') non-exclusive maintenance easement appears on the plat within the adjacent side or rear yard setback of the adjacent lot where it abuts the zero setback.
7. Satisfactory deed restrictions are submitted with the preliminary land division which address maintenance requirements for the zero setback wall.
8. Five foot utility easements are provided along all side and rear property lines except where the zero setback is designated.
9. The proposal is compatible with the surrounding area regarding topography, vegetation, building character, and site design. In determining compatibility, consideration shall be given to harmony in: scale, bulk, coverage, density, rooflines, and materials.
10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.
11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

Flexible and Zero Yard Setbacks

40.30.15.4.

- D. Submission Requirements. An application for a Zero Side or Zero Rear Yard Setback for a Proposed Residential Land Division shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Zero Side or Zero Rear Yard Setback for a Proposed Residential Land Division application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Zero Side or Zero Rear Yard Setback for a Proposed Residential Land Division application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.30.15.

5. Zero Side Yard Setback for a Proposed Non-Residential Land Division.

- A. Threshold. An application for Zero Side Yard Setback for a Proposed Non-Residential Land Division shall be required when the following threshold applies:
1. The property is located within a commercial, industrial, or multiple use zoning district and is accompanied by a land division application for the subject property.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Zero Side Yard Setback for Proposed Non-Residential Land Division in any Commercial, Industrial, and Multiple Use zoning district and shall be considered concurrently with the proposed land division. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Zero Side Yard Setback for a Proposed Non-Residential Land Division in the Commercial, Industrial, or Multiple Use zoning districts application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Zero Side Yard Setback for a Proposed Non-Residential Land Division application in the Commercial, Industrial, or Multiple Use zoning districts.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The minimum adjacent side yard setback on all adjacent lots which abut the proposed zero setback parcel are either zero feet (0') as well or twenty feet (20') or more.
 4. The zero side yard is not abutting a public right-of-way or any access easement.

Flexible and Zero Yard Setbacks

40.30.15.5.C.

5. The zero side yard does not abut any residential district.
6. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.
7. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
8. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Zero Side Yard Setback for a Proposed Non-Residential Land Division shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Zero Side Yard Setback for a Proposed Non-Residential Land Division application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Zero Side Yard Setback for a Proposed Non-Residential Land Division application to ensure compliance with the approval criteria.

Flexible and Zero Yard Setbacks

40.30.15.5.

- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.35. HISTORIC REVIEW**40.35.05. Purpose.**

The purpose of Historic Review is to preserve, enhance, and perpetuate landmarks and districts which represent or reflect elements of the City's cultural, social, economic, and architectural history and to promote the use of historic districts and landmarks for the education, pleasure, housing and public welfare of the City's current and future citizens. This Section is carried out by the approval criteria listed herein.

40.35.10. Applicability

1. The scope of Historic Review shall be limited to the exterior alteration, modification, demolition, and moving of a designated historic landmark and the construction of new structures within a designated historic district.
2. Historic Review approval shall not be required for the following:
 - A. Changes in use.
 - B. Interior remodeling.
 - C. Maintenance or repair of the exterior where any change to the original building materials or physical appearance is conducted in a manner that is consistent with previous approvals. Determination of the original building materials or physical appearance can be made by reviewing a historic photograph, original building plans, or other evidence of the original building features.
3. Nothing in this Code shall be construed to prevent the construction, reconstruction, alteration, or demolition of City designated historic resources which the City Building Official certifies as required by the City's Building Code.

40.35.15. Application.

There are four (4) Historic Review applications which are as follows: Alteration, Emergency Demolition, Demolition of a Landmark, and New Construction in a Historic District.

40.35.15.

1. Alteration of a Landmark.

- A. Threshold. An application for Alteration of a Landmark shall be required when one or more of the following thresholds apply:
1. Changes to any aspect of the exterior appearance, including, but not limited to, exterior finish materials, architectural detailing, and changes to window and door locations or dimensions. [ORD 4397; July 2006]
 2. Moving a landmark to a new location.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Alteration of a Landmark. The decision making authority is the Board of Design Review.
- C. Approval Criteria. In order to approve an Alteration of a Landmark application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for an Alteration of a Landmark application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The distinguishing original historic or architectural qualities or character of a building, structure, or site and its environment are being preserved.
 4. Any alteration to buildings, structures, and sites are in keeping with the time period of the original construction.
 5. Any distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site have been preserved unless said features are a threat to public health and safety or are in violation of building, fire, or access regulations.

40.35.15.1.C.

6. Deteriorating architectural features will be repaired rather than replaced, wherever possible.
7. New material used for replacement will match the material being replaced in terms of composition, design, color, texture, and other visual qualities.
8. The repair or replacement of missing architectural features is based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence.
9. The design of the proposed addition or alteration does not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, material, and character of the property, neighborhood, or environment.
10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an adjustment, planned unit development, or variance which shall be already approved or considered concurrently with the subject proposal.
11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

40.35.15.1.

- D. Submission Requirements. An application for an Alteration of a Landmark shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Alteration of a Landmark application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of an Alteration of a Landmark application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.35.15.

2. Emergency Demolition of a Landmark.

- A. Threshold. An application for Emergency Demolition of a Landmark shall be required when the following threshold applies:
1. Demolition of an existing landmark when demolition is required by the Building Official.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Emergency Demolition of a Landmark. The decision making authority is the Director.
- C. Approval Criteria. In order to approve an Emergency Demolition of a Landmark application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for an Emergency Demolition of a Landmark application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 4. The City of Beaverton Building Official has declared, consistent with the Dangerous Buildings Code, the historic building or structure to be an immediate threat to health and safety.
 5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.35.15.2.

- D. Submission Requirements. An application for an Emergency Demolition of a Landmark shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Emergency Demolition of a Landmark application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of an Emergency Demolition of a Landmark application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.35.15.

3. Demolition of a Landmark.

- A. Threshold. An application for Demolition of a Landmark shall be required when the following threshold applies:
1. Demolition of an existing landmark.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Demolition of a Landmark. The decision making authority is the Board of Design Review.
- C. Approval Criteria. In order to approve a Demolition of a Landmark application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Demolition of a Landmark application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The economic, social, environmental, and energy consequences of allowing the demolition outweigh the preservation of the historic landmark.
 4. The applicant has not rejected the highest bona fide offer for sale and removal of the building.
 5. If applicable, the historic or architectural significance of the resource is not sufficient to warrant its continued preservation.
 6. If applicable, the physical condition of the building is such that it is not practical to improve its condition to meet applicable building codes.

40.35.15.3.C.

7. If within a Historic District, the loss of the structure will not diminish the overall integrity of the District.
 8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Demolition of a Landmark shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Demolition of a Landmark application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Demolition of a Landmark application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.35.15.

4. New Construction in a Historic District.

- A. Threshold. An application for New Construction in a Historic District shall be required when the following threshold applies:
1. Construction of a new structure of more than 120 gross square feet in size in a historic district, which is not attached to a designated historic structure.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for New Construction in a Historic District. The decision making authority is the Board of Design Review.
- C. Approval Criteria. In order to approve a New Construction in a Historic District application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a New Construction in a Historic District application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. As it relates to existing surroundings and future allowed uses, their location, size, shape, height, and spatial and visual arrangement, the proposed development is compatible with and does not substantially detract from the historic value of the existing Historic District.
 4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.35.15.4.

- D. Submission Requirements. An application for a New Construction in a Historic District shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The New Construction in a Historic District application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a New Construction in a Historic District application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.40. HOME OCCUPATION**40.40.05. Purpose.**

The purpose of the Home Occupation application is to provide recognition of the needs or desires of many people to engage in small scale business ventures at home. It recognizes the potential advantages for reducing commuter travel when people work at home. It is also recognized that such uses, if not carefully regulated, may be incompatible with the purposes of residential districts. It is the intent of this section that these uses be allowed so long as they are not in violation of the terms of this section and do not alter the residential character of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood homes, or otherwise be detrimental to the community at large. This Section is carried out by the approval criteria listed herein. [ORD 4397; July 2006]

40.40.10. Applicability.

The provisions of this section apply to all home occupations as defined in Chapter 90 of this Code, except for the following situations:

1. Garage, Yard, or Estate sales from the site that occur for no more than three (3) consecutive days on not more than two (2) occasions during a calendar year.
2. Production of produce or other vegetative agricultural products grown on the premises. The temporary or seasonal sale of produce or other vegetative agricultural products grown on the premises is subject to the provisions of Section 40.80, Temporary Use.
3. Prohibited home occupation uses are:
 - A. Any use not conducted within a wholly enclosed building.
 - B. Automotive services, Major.
 - C. Automotive services, Minor.
 - D. Junk and Salvage Operations.
 - E. Storage or sale of fireworks.

40.40.10.3.

- F. Any use that consists of the manufacturing, processing, generation, or storage of materials that constitute a fire, explosion, or health hazard as defined by the Building Code, Fire Code, or both.

40.40.15. Application.

There are two (2) Home Occupation applications which are as follows: Home Occupation One and Home Occupation Two.

1. Home Occupation One

- A. Threshold. An application for Home Occupation One shall be required when one or more of the following thresholds describe the proposed home occupation:
1. There are no outside volunteers or employees who do not reside on the premises.
 2. No clients or customers of the proposed home occupation visit the premises for a reason related to the home occupation.
 3. There will be no exterior alteration to the residence.
 4. Excluding regular U. S. Postal Service delivery, the home occupation shall not require more than one (1) trip per day for delivery or pick up per day to the residence between the hours of 8:00 a.m. and 6:00 p.m. There shall be no deliveries between the hours of 6:00 p.m. and 8:00 a.m.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Home Occupation One. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Home Occupation One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

40.40.15.1.C.

1. The proposal satisfies the threshold requirements for a Home Occupation One application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
4. The home occupation is being undertaken only by an occupant of the residence.
5. The proposed home occupation is participating in and is consistent with the City's Business License Program and other agency licenses as appropriate to the proposed use.
6. The on-site operation of the proposed home occupation shall be conducted entirely within the dwelling, a conforming accessory structure, or both. No exterior storage of materials or equipment will occur on the premises. [ORD 4404; September 2006]
7. The proposed home occupation will not change the use classification of the dwelling unit or accessory structure, as determined by the City Building Official applying the State Building Code.
8. The proposed home occupation and associated storage of materials and products shall not occupy more than 700 gross square feet of floor area.
9. The subject property will continue to be used and maintained as a residence and will conform to all requirements of this and other City Codes as they pertain to residential property.
10. The home occupation, including deliveries from other businesses, does not include the use of tractor trailers, fork lifts, or similar heavy equipment.

Home Occupation

40.40.15.1.C.

11. There will be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation.
12. There will be no exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 3/4 ton pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property provided such parking complies with all parking restrictions.
13. The proposal will not involve storage or distribution of toxic or flammable materials, spray painting or spray finishing operations, or similar activities that involve toxic or flammable materials which in the judgment of the Fire Marshall pose a health or safety risk to the residence, its occupants or surrounding properties.
14. There is no signage associated with the proposed home occupation aside from a name plate as allowed by Section 60.40.15 of this Code.
15. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a Home Occupation One shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Home Occupation One application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Home Occupation One application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.

Home Occupation

40.40.15.1.

- H. Extension of a Decision. Previous approval of Home Occupation
One application shall not be extended.

40.40.15.

2. Home Occupation Two

- A. Threshold. An application for Home Occupation Two shall be required when one or more of the following thresholds apply:
1. The proposed home occupation has a maximum of one (1) volunteer or employee who is not a resident on the premises.
 2. The proposed home occupation will have no more than 8 daily customers or clients on the premises.
 3. All customer and client visits to the proposed home occupation will occur only between the hours of 7:00 a.m. and 10:00 p.m.
 4. If on-site parking is provided, a plan for additional parking may be approved if:
 - a. Not more than a total of 4 on-site parking spaces for the combined residential and home occupation uses are proposed.
 - b. The parking spaces, driveway, street access, landscaping, storm water drainage, and screening comply with this Code and other city standards.
 5. Exterior alteration to the residence will take place to accommodate the home occupancy.
 6. Excluding regular U. S. Postal Service delivery, the home occupation shall not require more than two (2) trips per day for delivery or pick up to the residence between the hours of 8:00 a.m. and 6:00 p.m. There shall be no deliveries or pick ups between the hours of 6:00 p.m. and 8:00 a.m.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Home Occupation Two. The decision making authority is the Director.

40.40.15.2.

- C. Approval Criteria. In order to approve a Home Occupation Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Home Occupation Two application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposed home occupation is being undertaken by an occupant of the residence.
 4. The proposed home occupation is participating in and is consistent with the City's Business License Program and other agency licenses as appropriate to the proposed use.
 5. The on-site operation of the proposed home occupation shall be conducted entirely within the dwelling, a conforming accessory structure, or both. No exterior storage of materials or equipment shall occur on the premises.
 6. The proposed home occupation will not change the use classification of the dwelling unit or accessory structures as determined by the City Building Official applying the State Building Code.
 7. The proposed home occupation and associated storage of materials and products shall not occupy more than 700 gross square feet of floor area.
 8. The subject property will continue to be used and maintained as a residence and will conform to all requirements of this and other City Codes as they pertain to residential property.
 9. The home occupation, including deliveries from other businesses, shall not include the use of tractor trailers, fork lifts, or similar heavy equipment.

40.40.15.2.C.

10. There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation.
11. There shall be no exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 3/4 ton pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property, provided such parking complies with applicable parking restrictions.
12. The proposal will not involve storage or distribution of toxic or flammable materials, spray painting or spray finishing operations, or similar activities that involve toxic or flammable materials which in the judgment of the Fire Marshall pose a health or safety risk to the residence, its occupants or surrounding properties.
13. There is no signage associated with the proposed home occupation aside from a name plate as allowed by Section 60.40.15 of this Code.
14. Exterior remodeling will not alter the residential character of the building.
15. Excluding required residential parking, adequate off-street parking exists to accommodate vehicular traffic for any employee, customer, or both.
16. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an adjustment, planned unit development, or variance which shall be already approved or considered concurrently with the subject proposal.
17. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

40.40.15.2.C.

18. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
19. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Home Occupation Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Home Occupation Two application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Home Occupation Two application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Home Occupation Two application shall not be extended.

40.45. LAND DIVISION**40.45.05. Purpose.**

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division of land within the City of Beaverton. This Section is carried out by the approval criteria listed herein.

40.45.10. Applicability.

The provisions of this section shall apply to the creation of new lots or the reconfiguration of existing property lines, except for the dedication of public rights-of-way.

40.45.15. Application.

There are seven (7) Land Division applications which are as follows: Lot Line Adjustment, Preliminary Partition, Preliminary Subdivision, Preliminary Fee Ownership Partition, Preliminary Fee Ownership Subdivision, Final Land Division, and Expedited Land Division.

1. Lot Line Adjustment.

A. Threshold. An application for Lot Line Adjustment shall be required when one or more of the following threshold apply [ORD 4405; September 2006]:

1. The changing of the common boundary of at least two (2) lots of record and does not create an additional lot.
2. [ORD 4405; September 2006] The elimination of a common boundary between two (2) or more lots of record that result in the creation of a single lot of record (Lot Consolidation).

B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Lot Line Adjustment. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Lot Line Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

40.45.15.1.C.

1. The proposal satisfies the threshold requirements for a Lot Line Adjustment application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
4. An additional lot is not created.
5. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be considered concurrently with the subject proposal.
6. The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations).
7. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.
8. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site and in connecting with the surrounding circulation system.
9. The proposal does not create a parcel which will have more than one (1) zoning designation.
10. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

40.45.15.1.C

11. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Lot Line Adjustment shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Lot Line Adjustment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Lot Line Adjustment application to ensure compliance with the approval criteria.
 1. [ORD 4405; September 2006] The applicant of a lot line adjustment shall record a record of survey or replat with Washington County as required by Oregon Revised Statutes Chapter 92. The record of survey or replat shall be subject to review by the City as part of the Lot Line Adjustment application, and shall not be subject further review under Section 40.45.15.6, Final Land Division.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.45.15.

2. Preliminary Partition.

- A. Threshold. An application for Preliminary Partition shall be required when the following threshold applies:
1. The creation of up to and including three (3) new lots from one (1) lot of record in one calendar year.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Preliminary Partition. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Preliminary Partition application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Preliminary Partition application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. Oversized lots shall have a size and shape which will facilitate the future partitioning or subdividing of such lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots as well as the future development on oversized lots.
 4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Preliminary Partition shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Preliminary Partition application shall be accompanied by the information required by the application form, and by Section 50.25 (Application

Land Division

Completeness), and any other information identified through a Pre-Application Conference.

40.45.15.2.

- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Preliminary Partition application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90. The filing of a Final Land Division application shall occur within two (2) years of the date of Preliminary Partition approval. [ORD 4265; September 2003]
- H. Extension of a Decision. Refer to Section 50.93.

40.45.15.

3. Preliminary Subdivision.

- A. Threshold. An application for Preliminary Subdivision shall be required when the following threshold applies:
1. The creation of four (4) or more new lots from a lot of record in one (1) calendar year.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Preliminary Subdivision. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Preliminary Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Preliminary Subdivision application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. Oversized lots shall have a size and shape which will facilitate the future partitioning or subdividing of such lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots as well as the future development on oversized lots.
 4. If phasing is requested by the applicant, the requested phasing plan can be carried out in a manner which satisfies the approval criteria and provides necessary public improvements for each phase as the project develops.
 5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.45.15.3.

D. Submission Requirements.

1. An application for a Preliminary Subdivision shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Preliminary Subdivision application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
2. When an applicant desires to phase the development of a Preliminary Subdivision, it shall be indicated at the time of Preliminary Subdivision application submittal. The Director is responsible for approving a time schedule for the final platting of the various phases. In no case shall the total time period for the final platting of all stages be greater than five years without filing a new Preliminary Subdivision application.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Preliminary Subdivision application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to Section 50.65.

G. Expiration of a Decision. Refer to Section 50.90. The filing of a Final Land Division application shall occur within two (2) years of the date of Preliminary Subdivision approval. [ORD 4265; September 2003]

H. Extension of a Decision. Refer to Section 50.93.

40.45.15.

4. Preliminary Fee Ownership Partition.

- A. Threshold. An application for Preliminary Fee Ownership Partition shall be required when the following threshold applies:
1. The creation of up to and including three (3) new lots from a lot of record in one calendar year in Commercial, Industrial or Multiple Use zones which do not meet the access requirements contained in Section 60.55.40.1 of this Code, or which do not meet all of setback, lot, or both dimension Site Development Requirements of Chapter 20 (Land Uses) for new lots in Commercial, Industrial, or Multiple Use zones where an Adjustment, Variance, or Planned Unit Development application will not be filed to address the same Site Development Requirements. [ORD 4265; September 2003] [ORD 4397; July 2006]
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Preliminary Fee Ownership Partition. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Preliminary Fee Ownership Partition application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Preliminary Fee Ownership Partition application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The parent parcel shall meet the minimum setback requirements for the applicable zoning district unless the setback is subject to an Adjustment, Variance, or Zero Side Yard Setback for a proposed Non-Residential Land Division application which shall be considered concurrently with the subject proposal.

40.45.15.4.C.

4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Preliminary Fee Ownership Partition shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Preliminary Fee Ownership Partition application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Preliminary Fee Ownership Partition application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90. The filing of a Final Land Division application shall occur within two (2) years of the date of Preliminary Fee Ownership Partition approval. [ORD 4265; September 2003]
- H. Extension of a Decision. Refer to Section 50.93.

40.45.15.

5. Preliminary Fee Ownership Subdivision.

- A. Threshold. An application for Preliminary Fee Ownership Subdivision shall be required when one or more of the following thresholds apply:
1. The creation of four (4) or more new lots from a lot of record in one (1) calendar year which do not meet the setback, lot, or both dimension Site Development Requirements of Chapter 20 (Land Uses) for new lots in Commercial, Industrial, or Multiple Use zones where an Adjustment, Variance, or Planned Unit Development application will not be filed to address the same Site Development Requirements. [ORD 4397; July 2006]
 2. The creation of four (4) or more new lots from a lot of record in one (1) calendar year which do not meet the access requirements contained in Section 60.55.40.1 of this Code.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Preliminary Fee Ownership Subdivision. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Preliminary Fee Ownership Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Preliminary Fee Ownership Subdivision application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The parent parcel shall meet the minimum setback requirements for the applicable zoning district unless the setback is subject to an Adjustment, Variance, or Zero Side Yard Setback for a proposed Non-Residential Land

40.45.15.5.C.

Division application which shall be considered concurrently with the subject proposal.

4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements.

1. An application for a Preliminary Fee Ownership Subdivision shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Preliminary Fee Ownership Subdivision application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
2. When an applicant desires to phase the development of a Fee Ownership Subdivision, it shall be indicated at the time of Preliminary Fee Ownership Subdivision application submittal. The Director is responsible for approving a time schedule for the final platting of the various phases. In no case shall the total time period for the final platting of all stages be greater than five years without filing a new Preliminary Fee Ownership Subdivision application.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Preliminary Fee Ownership Subdivision application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to Section 50.65.

G. Expiration of a Decision. Refer to Section 50.90. The filing of a Final Land Division application shall occur within two (2) years of the date of Preliminary Fee Ownership Subdivision approval. {ORD 4265; September 2003}

H. Extension of a Decision. Refer to Section 50.93.

40.45.15.

6. Final Land Division.

- A. Threshold. An application for Final Land Division shall be required when the following threshold applies:
1. A proposal to finalize a previously approved Preliminary Partition, Preliminary Subdivision, Preliminary Fee Ownership Partition, or Preliminary Fee Ownership Subdivision.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Final Land Division. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Final Land Division application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Final Land Division application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 4. The proposal is consistent with the applicable previously approved Preliminary Partition, Preliminary Subdivision, Preliminary Fee Ownership Partition, or Preliminary Fee Ownership Subdivision.
 5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.45.15.6.

- D. Submission Requirements. An application for a Final Land Division shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Final Land Division application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Final Land Division application to ensure compliance with the approval criteria. Following approval by the City of the Final Land Division, the applicant shall record the plat with Washington County. The applicant shall submit a mylar copy of the recorded plat to the City prior to issuance of building permits for any of the new lots.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.45.15.

7. Expedited Land Division

An application for and any appeal of an expedited land division shall be subject to the provisions in ORS 197.360 through ORS 197.380.

*Loading Determination***40.50. LOADING DETERMINATION****40.50.05. Purpose.**

The purpose of a Loading Determination is to establish mechanism to determine or modify the required number of off street loading spaces, or modify the off-street loading space dimensions in advance of, or concurrent with, applying for approval of an application, development, permit, or other action. This Section is carried out by the approval criteria listed herein.

40.50.10. Applicability.

A Loading Determination may be requested in writing to establish an off street loading space total for any use not specifically listed in Section 60.25 (Off Street Loading), establish an off street loading space total that differs from the listed requirement in Section 60.25, and modify the off street loading space dimensions listed in Section 60.25 of this Code.

40.50.15. Application.

There is a single Loading Determination application which is subject to the following requirements.

1. Loading Determination.

- A. Threshold. An application for Loading Determination shall be required when one or more of the following thresholds apply:
 - 1. A request that the Director establish, in writing, an off street loading space total or requirement for any use not listed or substantially similar to a use listed in Section 60.25 (Off Street Loading) of this Code.
 - 2. A request to modify the total number of off street loading spaces from the required number listed in Section 60.25 (Off Street Loading) of this Code.
 - 3. A request to modify the dimensions of a required off street loading space listed in Section 60.25 (Off Street Loading) of this Code.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Loading Determination. The decision making authority is the Director.

Loading Determination

40.50.15.1.

- C. Approval Criteria. In order to approve a Loading Determination application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Loading Determination application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The determination will not create adverse impacts, taking into account the total gross floor area and the hours of operation of the use.
 4. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site and in connecting with the surrounding circulation system.
 5. The proposal will be able to reasonably accommodate the off street loading needs of the structure.
 6. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
 7. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.
 8. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

Loading Determination

40.50.15.1.C.

9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Loading Determination shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Loading Determination application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Loading Determination application to ensure compliance with the approval criteria.
- F. Appeal of Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Loading Determination application shall not be extended.

40.55. PARKING DETERMINATION

40.55.05. Purpose.

The purpose of a Parking Determination is to establish required number of parking spaces for uses which do not have a parking ratio requirement listed in this Code. The Parking Determination application is established for determining the required number of off street parking spaces in advance of, or concurrent with, applying for approval of an application, development, permit, or other action. This Section is carried out by the approval criteria listed herein.

40.55.10. Applicability.

A Parking Determination may be requested in writing to establish a required off street parking ratio or specific number of off street parking spaces for use not specifically listed in Section 60.30 (Off Street Parking) of this Code, to share required parking spaces, and to determine the existence of excess required parking. [ORD 4365; September 2005]

40.55.15. Application.

There are three (3) Parking Determination applications which are as follows: Parking Requirement Determination, Shared Parking, and Use of Excess Parking.

1. Parking Requirement Determination.

- A. Threshold. An application for Parking Requirement Determination shall be required when the following threshold applies:
 - 1. A request that the Director establish, in writing, an off street parking ratio or requirement for a use not listed or substantially similar to a use listed in Section 60.30 (Off Street Parking) of this Code.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Parking Requirement Determination. The decision making authority is the Director.

40.55.15.1.

- C. Approval Criteria. In order to approve a Parking Requirement Determination application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Parking Requirement Determination application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The determination is consistent with Title 2 of Metro's Urban Growth Management Functional Plan.
 4. The determination will not create adverse impacts, taking into account the total gross floor area, number of employees, potential customer volume, and the hours of operation of the use.
 5. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4404; September 2006]
 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Parking Requirement Determination shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Parking Requirement Determination application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Parking Requirement Determination application to ensure compliance with the approval criteria.

40.55.15.1.

- F. Appeal of Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Parking Requirement Determination application shall not be extended.

40.55.15.

2. Shared Parking.

- A. Threshold. An application for Shared Parking shall be required when one or more of the following thresholds apply:
1. The required off street parking for two or more uses will share required parking spaces.
 2. All or a portion of the required parking will be provided at an off-site location.[ORD 4397; July 2006]
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Shared Parking. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Shared Parking application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Shared Parking application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The location of the shared off street parking is on an abutting property and is within 200 feet of the subject use in which the shared parking is intended to serve, except in Multiple Use zoning districts where the location may be at any distance.
 4. If multiple properties are involved, the owners of each of the properties has agreed to the shared parking by entering into a shared parking agreement.
 5. The time of peak parking demand for the various uses located on the subject properties occur at different times of the day.

40.55.15.2.C.

6. Adequate parking will be available at all times when the various uses are in operation.
7. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
8. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.
9. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Shared Parking shall be made by the owners of the subject properties, or the owners' authorized agents, on a form provided by the Director and shall be filed with the Director. The Shared Parking application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Shared Parking application to ensure compliance with the approval criteria.
- F. Appeal of Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Shared Parking application shall not be extended.

40.55.15.

3. Use of Excess Parking.

- A. Threshold. An application for Use of Excess Parking shall be necessary when one or more of the following thresholds apply:
 - 1. A request to declare required off-street parking is in excess of the need for the use on the subject property.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Use of Excess Parking. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Use of Excess Parking application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Use of Excess Parking application.
 - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 - 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 - 4. Excess parking accounts for a minimum of 20% of the required parking for all uses of the site;
 - 5. Excess parking has existed for the previous 180 days;
 - 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.55.15.3.

- D. Submission Requirements. An application for Use of Excess Parking shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Use of Excess Parking application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Use of Excess Parking application to ensure compliance with the approval criteria.
- F. Appeal of Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Use of Excess Parking application shall not be extended.

40.57. PUBLIC TRANSPORTATION FACILITY [ORD 4332; November 2004]**40.57.05 Purpose**

The purpose of the Public Transportation Facility application is to identify development review standards and procedures for the review of public transportation improvements that are subject to such review.

40.57.10 Applicability

1. This Section applies to the design and construction of public transportation facilities including roadways and bridges, and transit, bicycle and pedestrian facilities within public rights-of-way and the areas adjacent to the rights-of-way where physical changes occur as a result of such design and construction. Unless exempted by Section 40.57.10.2, Public Transportation Facility application approval shall be required for Collectors, Arterials, Principal Arterials, and Freeways.
2. Unless specified in the applicable thresholds for Public Transportation Facility, approval shall not be required for the following:
 - A. Local and Neighborhood Route streets.
 - B. Public transportation facility improvements which were required as a part of another development application.
 - C. Maintenance, preservation, and repair of existing public roads, transportation facilities and structures within all existing rights-of-way and easements.
 - D. Modifications within all existing rights-of-way and easements including, but not limited to striping, addition of curbs or medians, sidewalks speed humps, curb extensions, street lighting, signalization, reflectors, buttons, signs, flashing beacons, or other similar modifications.
 - E. Bus turnouts within all existing rights-of-way.
 - F. Reconstruction or matching replacement of a public transportation facility within all existing rights-of-way, including the enlargement or removal of culverts, pilings or similar structures, provided they are not located in a floodplain, special flood hazard area, or Significant Natural Resource Area.

40.57.10.2.

- G. Contractor construction staging areas and stockpiling of materials within all public rights-of-way or easements.
- H. Repairs, improvements, detours and traffic pattern changes that are made in response to an emergency.
- I. Private Streets

40.57.15 Application.

There is a single Public Transportation Facility application which is subject to the following requirements.

1. Public Transportation Facility.

- A. Threshold. An application for Public Transportation Facility shall be required when the applicability statements listed in Section 40.57.10.1 apply, none of the exemptions listed in Section 40.57.10.2 apply, and one or more of the following thresholds describe the proposal:
 - 1. New transportation facilities which:
 - a. Require the acquisition of right-of-way, or
 - b. Are located within existing public right-of-way where no transportation facility currently exists.
 - 2. The extension or widening of existing transportation facilities which:
 - a. Require the acquisition of right-of-way, or
 - b. Are located within an existing public right-of-way.
 - c. Increases the combined width of existing street improvements by six (6) feet or more.
 - 3. Construction activities including contractor construction staging areas and stockpiling of materials outside a public right-of-way or easement.

40.57.15.1.A.

4. Transit shelters.

B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Public Transportation Facility. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Public Transportation Facility application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Public Transportation Facility application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
4. The proposal meets all applicable design standards for the classification of the subject road as specified by the *Engineering Design Manual and Standard Drawings* unless the applicable provisions have been modified by the City Engineer by separate process.
5. The alignment of the new or extended transportation facility is consistent with the general location shown in the Comprehensive Plan Transportation Element.
6. Any interim improvements have been designed to accommodate future improvement of the facility to ultimate standards.
7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.57.15.1.

- D. Submission Requirements. An application for a Public Transportation Facility shall be made by the City Engineer or an authorized agent of a public agency with jurisdiction, on a form provided by the Director and shall be filed with the Director. The Public Transportation Facility application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Public Transportation Facility application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.60. SIGN**40.60.05. Purpose.**

The purpose for regulating signs is to promote the neat, clean, orderly, and attractive appearance of the community, balance the need of signs with avoiding potential nuisances to nearby properties and conflicts with other signage, ensure safe construction, location, installation, and maintenance of signage, prevent proliferation of signs and sign clutter, and minimize distractions for motorists on public highways and streets. This Section is carried out by the approval criteria listed herein.

40.60.10. Applicability

1. Unless otherwise authorized by this Code, no person shall erect, install, construct, place, alter, change, relocate, suspend or attach any sign, except for maintenance of signs without first obtaining a permit from the City.
2. The following signs do not require permits:
 - A. Traffic and other government authorized signs, such as railroad crossing signs and notices, as may be authorized by the City.
 - B. Signs of public utility companies indicating danger, or which serve as an aid to public safety, or which show the location of underground facilities or of public telephones.
 - C. Signs not visible from public right-of-ways.

40.60.15. Application.

There is a single Sign application which is subject to the following requirements.

1. Sign.

- A. Threshold. An application for Sign permit shall be required when the following threshold applies:
 1. The erection, installation, construction, placement, alteration, relocation, suspension, attachment of any sign.

40.60.15.1.

- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for a Sign. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Sign application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Sign application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 4. The proposed sign is in conformance with all requirements specified in Section 60.40 (Sign Regulations) unless the applicable provision has been subject of a Variance approval.
 5. The proposed sign is in conformance with the vision clearance standards specified in the Engineering Design Manual. [ORD 4397; July 2006]
 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Sign shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Sign application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

40.60.15.1.

- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Sign application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:
1. All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe, neat, clean and attractive condition, free from rust, corrosion, peeling paint or other surface deterioration.
 2. Any sign structure or supports that are no longer in use shall be removed at the time of the structure or supports cease to be used.
 3. Compliance with the conditions of approval shall be met as long as the sign exists on the property.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Sign proposal shall not be extended.

40.65. SOLAR ACCESS**40.65.05 Purpose.**

The purpose of Solar Access is to protect solar access to solar features on lots designated or used as a detached dwelling under some circumstances. It authorizes owners of such lots to apply for an approval that, if granted, prohibits solar features from being shaded by certain future vegetation on and off the permittee's site. This Section is carried out by the approval criteria listed herein.

40.65.10. Applicability.

The Solar Access application shall be applicable to detached dwellings in the City's standard and low density residential zoning districts.

40.65.15. Application.

There is a single Solar Access application which is subject to the following requirements.

1. Solar Access.

- A. Threshold. An application for Solar Access shall be required when the following threshold applies:
 - 1. Protection of a solar feature from being shaded is requested.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Solar Access. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Solar Access application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Solar Access application.
 - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.

40.65.15.1.C.

3. Non-exempt vegetation on the applicant's property does not shade the solar feature.
4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Solar Access shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Solar Access application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Solar Access application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:

1. The party to whom the City grants a Solar Access approval shall cause to be recorded, the approval, legal descriptions of the properties affected by the approval, the solar access height limit, and the approved site plan in the office of the Washington County Recorder with the deeds to the properties affected by it, indexed by the names of the owners of the affected properties, and pay the fees for such filing before the approval is effective.
2. If not in place at the time of the Solar Access approval, the solar feature shall be installed within one (1) year of the approval after which time, unless installation has occurred, the approval shall expire.

40.65.15.1.E.

3. An owner of property restricted by a Solar Access approval shall be responsible for and pay all costs for keeping non-exempt vegetation from exceeding the solar access height limit. However, vegetation identified as exempt on the approved site plan, vegetation an owner shows was planted in the ground on or before the date an application for a Solar Access approval is filed, and solar friendly vegetation are exempt from the Solar Access approval.

- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Solar Access proposal shall not be extended.

40.70. Repealed [ORD 4302; May 2004]**40.75. STREET VACATION****40.75.05. Purpose.**

The purpose of Street Vacation is to recognize that changes to the City's existing street system are occasionally required. Therefore, the following application has been established to allow limited changes to the City's existing street system without adversely affecting safe and efficient circulation throughout the City. A Street Vacation is a legislative action which is not subject to the 120 day rule of ORS 227.178. This Section is carried out by the approval criteria listed herein.

40.75.10. Applicability.

Alteration to the City's existing streets that involve the vacation of streets, right-of-way, easements, or both shall be reviewed by the City Council.

40.75.15. Application.

There is a single Street Vacation application which is subject to the following requirements.

1. Street Vacation.

- A. Threshold. An application for Street Vacation shall be required when the following threshold applies:
 - 1. Abandonment or otherwise vacation of an existing public transportation right-of-way or public easement that is within the City of Beaverton.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Street Vacation. The decision making authority is the City Council.
- C. Approval Criteria. In order to approve a Street Vacation application, the City Council shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Street Vacation application.

40.75.15.1.C.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposed Street Vacation meets the eligibility provisions of ORS 271.080.
4. The proposed Street Vacation will not adversely impact street connectivity as identified in the Transportation Element of the Comprehensive Plan.
5. The proposed Street Vacation will not adversely impact police, fire, and emergency service in the area.
6. That the vacation of the street will not hinder accessibility to any above ground or underground public facilities.
7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Street Vacation shall be made by the owner of property abutting the right-of-way or easement, or the owner's authorized agent, the City Council, Mayor, or their designee on a form provided by the Director and shall be filed with the Director. The Street Vacation application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The City Council may impose conditions on the approval of a Street Vacation application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to Section 50.45.18.B.

40.80. TEMPORARY USE**40.80.05. Purpose.**

The purpose of a Temporary Use application is to recognize that temporary uses serve a useful purpose in the life of the community. Such activity does not mandate application of the requirements relating to permanent activity, but there is the potential of adverse impact on surrounding property created by temporary activity; therefore, specific requirements are necessary. This Section is carried out by the approval criteria listed herein.

40.80.10. Applicability

Uses and activities that are determined to be temporary in nature shall be subject to the provisions of this section.

40.80.15. Application.

There are five (5) Temporary Use applications which are as follows: Temporary Mobile Sales, Temporary Non-Mobile Sales, Temporary Structure, Temporary Real Estate Office, and Non-Profit Event.

1. Temporary Mobile Sales.

- A. Threshold. An application for Temporary Mobile Sales shall be required when the following threshold applies:
 - 1. The sale of plants, flowers, books, crafts, produce, beverages, food, and other similar items in a single location for more than one (1) hour per day.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Temporary Mobile Sales. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Temporary Mobile Sales application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Temporary Mobile Sales application.

40.80.15.1.C.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
4. The proposal is located entirely within private property in a commercial, multiple use, or industrial zoning district and the applicant has written permission from the property owner to utilize the subject property for the proposal.
5. The applicant has written permission from the City if the proposal is located on a public right-of-way within any of the Regional Center and Town Center Multiple Use Zoning Districts.
6. The proposal will not pose a threat to the public safety or convenience when the temporary use is proposed to be located on a public right-of-way.
7. The use in which the proposed temporary use is engaged is listed as a permitted use in the specific commercial or multiple use zoning district.
8. The proposal will not be located within the vision clearance area of an intersection as specified in the Engineering Design Manual and Standard Drawings. [ORD 4365; September 2005]
9. The proposal does not involve use of a permanent building.
10. The proposal shall not obstruct or occupy permanent required parking spaces unless it can be demonstrated that the permanent required parking is not being used by the permanent use located on the subject site pursuant to Section 40.55.15.3 (Excess Parking) of this Code.

40.80.15.1.C.

11. Safe vehicle and pedestrian circulation is provided consistent with Section 60.55 (Transportation Facilities) of this Code.
12. The proposal is not located within 500 feet of an established permanent business of a similar nature. The 500 feet shall be measured from the perimeter of the property on which the proposal is located to the perimeter of the property which contains the existing similar use.
13. The proposal has not been previously located on the same site in the same calendar year.
14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Temporary Mobile Sales shall be made by the owner of the proposed temporary use, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Temporary Mobile Sales application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Mobile Sales application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:

1. The Temporary Mobile Sales shall obtain a City Business License.
2. Temporary Mobile Sales involving the sale of food products shall be licensed by the appropriate State and/or local agency.

40.80.15.1.E.

3. All Temporary Mobile Sales activities shall be conducted at the particular location authorized.
4. The Temporary Mobile Sales shall not have hours of operation exceeding four (4) hours in a twenty four (24) hour period.
5. Signage shall be permitted for Temporary Mobile Sales consistent with Section 60.40.15.12 of this Code.
6. During operation, the operator of a Temporary Mobile Sales shall maintain a copy of the City approval and present same for inspection upon request by City personnel.
7. Suitable receptacles for disposal of trash, as defined by the City of Beaverton Code 4.08.085, subsection C, must be provided and maintained by the permittee on the site of the temporary use in sufficient numbers, as determined by the Director, to accommodate all trash generated by the Temporary Mobile Sales. The permittee shall be responsible for disposal of accumulated trash and for clean-up of trash generated by the Temporary Mobile Sales.
8. Products for sale shall be removed at the end of each business day.
9. The Director may impose conditions necessary to ensure that adequate parking exists and that vehicles entering or exiting the site do not create a safety hazard.
10. The Director may impose conditions necessary to safeguard the public health and safety and to minimize potential adverse impact created by the Temporary Mobile Sales on the surrounding property and use.

F. Appeal of a Decision. Refer to Section 50.60.

G. Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within 180 days of the date of approval.

40.80.15.1.

- H. Extension of a Decision. Previous approvals of Temporary Mobile Sales shall not be extended.

40.80.15.

2. Temporary Non-Mobile Sales.

- A. Threshold. An application for Temporary Non-Mobile Sales shall be required when the following threshold applies:
 - 1. The sales of holiday vegetation and fireworks, circuses, carnivals, animal rides and other similar activities.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Temporary Non-Mobile Sales. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Temporary Non-Mobile Sales application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Temporary Non-Mobile Sales application.
 - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 - 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 - 4. The proposal is located entirely within private property in a commercial, multiple use, or industrial zoning district and the applicant has written permission from the property owner to utilize the subject property for the proposal.
 - 5. The applicant has written permission from the City if the proposal is located on a public right-of-way within any of the Regional Center and Town Center Multiple Use Zoning Districts.

40.80.15.2.C.

6. The use in which the proposed temporary use is engaged is listed as a permitted use in the specific commercial or multiple use zoning district.
7. The proposal will not be located within the vision clearance area of an intersection as specified under Section 60.55.50.
8. The proposal does not involve use of a permanent building.
9. The proposal shall not obstruct or occupy permanent required parking spaces unless it can be demonstrated that the permanent required parking is not being used by the permanent use located on the subject site pursuant to Section 40.55.15.3 (Excess Parking) of this Code.
10. The site of the proposal has safe vehicle and pedestrian circulation consistent with Section 60.55 (Transportation Facilities) of this Code.
11. The proposal is not located within 500 feet of an established permanent business of a similar nature. The 500 feet shall be measured from the perimeter of the property on which the proposal is located to the perimeter of the property which contains the existing similar use.
12. The site of the proposal has adequate parking facilities to accommodate the anticipated needs consistent with Section 60.30 (Off-Street Parking) of this Code.
13. Temporary Non-Mobile Sales has not occurred more than twice on the same site in the same calendar year.
14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.80.15.2.

- D. Submission Requirements. An application for a Temporary Non-Mobile Sales shall be made by the owner of the proposed temporary use, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Temporary Non-Mobile Sales application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Non-Mobile Sales application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose one or more of the following conditions when appropriate:
1. The Temporary Non-Mobile Sales shall obtain a City Business License.
 2. Temporary Non-Mobile Sales involving the sale of food products shall be licensed by the appropriate State and/or local agency.
 3. Temporary Non-Mobile Sales involving the sale of fireworks shall be licensed by the appropriate State and/or local agency.
 4. All Temporary Non-Mobile Sales activities shall be conducted at the particular authorized location.
 5. Signage shall be permitted for Temporary Non-Mobile Sales consistent with Section 60.40.15.12 of this Code.
 6. During operation, the operator of a Temporary Mobile Sales shall maintain a copy of the City approval and present same for inspection upon request by City personnel.

40.80.15.2.E.

7. Suitable receptacles for disposal of trash as defined by the City of Beaverton Code 4.08.085, subsection C, must be provided and maintained by the permittee on the site of the Temporary Non-Mobile Sales in sufficient numbers, as determined by the Director, to accommodate all trash generated by the Temporary Non-Mobile Sales use. The permittee shall be responsible for disposal of accumulated trash and for clean-up of trash generated by the Temporary Non-Mobile Sales.
8. The Director may impose conditions necessary to safeguard the public health and safety and to minimize potential adverse impact created by the Temporary Non-Mobile Sales on the surrounding property and use.

- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within 45 days of the date of approval.
- H. Extension of a Decision. Approvals of Temporary Non-Mobile Sales shall not be extended.

40.80.15.

3. Temporary Structure.

- A. Threshold. An application for Temporary Structure shall be required when the following threshold applies:
1. The placement of a temporary mobile structure while development is taking place.
 2. Placement of drop-off station for non-profit organizations.
 3. A temporary wireless communication facility inclusive of needed equipment shelters and on-site improvements to facilitate continuity in service during initial construction, repair, maintenance, or replacement of permanent equipment. [ORD 4248; April 2003]
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Temporary Structure. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Temporary Structure application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Temporary Structure application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 4. The proposal will not be located within the vision clearance area of an intersection as specified under Section 60.55.25.
 5. Safe vehicle and pedestrian circulation is provided consistent with Section 60.55 (Transportation Facilities) of this Code.

40.80.15.3.C.

6. The site of the proposal has adequate parking facilities to accommodate the anticipated needs of the uses on the site consistent with Section 60.30 (Off-Street Parking) of this Code.
7. The proposal is for an approved development located within the City.
8. The proposal would locate a temporary mobile structure within the boundaries of the subdivision where land is for sale or under development.
9. A construction permit for the permanent development has been issued and has not expired.
10. The Temporary Structure shall be located on the same lot or a lot abutting the activity. If the abutting lot is separately owned, written authorization from the owner must be provided.
11. The Temporary Structure shall not block fire hydrants, storm drains, manholes, catch basins, or other similar infrastructure improvements.
12. No connection of the temporary structure to any water, sanitary or storm sewer utility shall be allowed unless the system(s) are deemed substantially complete by the City.
13. Occupancy for temporary sales trailers or sales offices shall not be allowed until substantial completion of the sanitary sewers is obtained, or portable toilets are available.
14. If the proposal is a drop-off station, the proposal is located in a commercial, multiple use, or industrial zoning district.
15. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.80.15.3.

- D. Submission Requirements. An application for a Temporary Structure shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Temporary Structure application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Structure application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:
1. The occupant of the Temporary Structure shall obtain a City Business License.
 2. Signage shall be permitted for a Temporary Structure consistent with Section 60.40.15.12 of this Code.
 3. The Director may impose conditions as are necessary to ensure that adequate parking exists and that vehicles entering or exiting the site do not create a safety hazard.
 4. The Director may impose conditions as are necessary to safeguard the public health and safety and to minimize potential adverse impact created by the temporary use on the surrounding property and use.
 5. The Director may impose conditions as are necessary which establish a duration of time that the Temporary Structure may be located on the subject site.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within 2 years of the date of approval unless otherwise specified by the Director.
- H. Extension of a Decision. Refer to Section 50.93.

40.80.15.

4. Temporary Real Estate Office.

- A. Threshold. An application for Temporary Real Estate Office shall be required when the following threshold applies:
1. The use of a dwelling as a Temporary Real Estate Office during the development, lease or sale of lots or structures in a residential subdivision, condominium project, or residential Planned Unit Development.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Temporary Real Estate Office. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Temporary Real Estate Office application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Temporary Real Estate Office application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 4. The applicant, if different from the property owner, has written permission from the property owner to utilize the property for a Temporary Real Estate Office.
 5. The Temporary Real Estate Office is located within the boundaries of the residential development.
 6. The property used for the Temporary Real Estate Office shall not be permanently improved for that purpose.

40.80.15.4.C.

7. The property used for the Temporary Real Estate Office shall be within close proximity to an arterial or collector or as acceptable to the City Engineer.
8. All streets shall be curbed and paved (with a minimum first lift of asphalt or cement concrete) to the property used for the Temporary Real Estate Office.
9. No connection of the Temporary Real Estate Office to any water, sanitary or storm sewer utility shall be allowed unless the system(s) are deemed substantially complete.
10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Temporary Real Estate Office shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Temporary Real Estate Office application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Temporary Real Estate Office application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:

1. The Temporary Real Estate Office shall obtain a City Business License.
2. All Temporary Real Estate Office activities shall be conducted at the particular location authorized.
3. Signage shall be permitted for a Temporary Real Estate Office consistent with Section 60.40.15.12 of this Code.

40.80.15.4.E.

4. The Director may impose conditions as are necessary to ensure that adequate parking exists and that vehicles entering or exiting the site do not create a safety hazard.
5. The Director may impose conditions as are necessary to safeguard the public health and safety and to minimize potential adverse impact created by the Temporary Real Estate Office on the surrounding property and use.
6. The Director may impose conditions as are necessary which establish a duration of time that the Temporary Real Estate Office may be located on the subject site.

- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within 2 years of the date of approval unless otherwise specified by the Director.
- H. Extension of a Decision. Refer to Section 50.93.

40.80.15.

5. Non-Profit Event.

- A. Threshold. An application for Non-Profit Event shall be required when the following threshold applies:
1. The temporary use of land in order to conduct an event 15 days or more in one (1) calendar year.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Non-Profit Event. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Non-Profit Event application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Non-Profit Event application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 4. The proposal is operated by a non-profit organization registered with the State of Oregon pursuant to Chapter 65 of the Oregon Revised Statutes or is operated by a public agency.
 5. The proposal is located entirely within public or private property within a commercial, industrial, or multiple use zoning district and the applicant has written permission from the property owner to utilize the subject property for the proposal.

40.80.15.5.C.

6. The proposal is located on a public right-of-way within any of the Regional Center and Town Center Multiple Use Zoning Districts and the applicant has written permission from the City.
7. Safe vehicle and pedestrian circulation is provided consistent with Section 60.55 (Transportation Facilities) of this Code.
8. The proposal does not involve use of a permanent building.
9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Non-Profit Event shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Non-Profit Event application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Non-Profit Event application to ensure compliance with the approval criteria. In addition to imposing other conditions to ensure compliance with the approval criteria, the decision making authority may also impose the following conditions when applicable:

1. Signage shall be permitted consistent with Section 60.40.15.12 of this Code.
2. The Director may impose conditions as are necessary to ensure that adequate parking exists and that vehicles entering or exiting the site do not create a safety hazard.

40.80.15.5.E.

3. The Director may impose conditions as are necessary to safeguard the public health and safety and to minimize potential adverse impact created by the temporary use on the surrounding property and use.
4. The Director may impose conditions as are necessary which establish hours of operation.
5. The Director may impose conditions as are necessary to ensure that noise levels meet the standards established by the State of Oregon Department of Environmental Quality

F. Appeal of a Decision. Refer to Section 50.60.

G. Expiration of a Decision. The use authorized by the decision making authority shall commence, operate, and conclude within 2 years of the date of approval unless otherwise specified by the Director.

H. Extension of a Decision. Refer to Section 50.93.

40.85. TEXT AMENDMENT**40.85.05. Purpose.**

The purpose of a Text Amendment application is to provide a mechanism for legislative amendments to the Development Code. It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in the law. This Section is carried out by the approval criteria listed herein.

40.85.10. Applicability.

The Text Amendment application shall apply to any change to Development Code text or diagrams.

40.85.15. Application.

There is a single Text Amendment application which is subject to the following requirements.

1. Text Amendment.

- A. Threshold. An application for Text Amendment shall be required when the following threshold applies:
 - 1. Any change to the Development Code, excluding changes to the zoning map.
- B. Procedure Type. The Type 4 procedure, as described in Section 50.50 of this Code, shall apply to an application for Text Amendment. Upon determination by the Director, the decision making authority shall be either the Planning Commission or the Board of Design Review. The determination will be based upon the proposal.
- C. Approval Criteria. In order to approve a Text Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Text Amendment application.

40.85.15.1.C.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.
4. The proposed text amendment is consistent with the City's Comprehensive Plan.
5. The proposed text amendment is consistent with other provisions within the City's Development Code.
6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.
7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for Text Amendment to the City's Development Code shall be initiated by the City Council, Mayor, the Director, or any interested person on a form provided by the Director and shall be filed with the Director. The Text Amendment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Appeal of a Decision. Refer to Section 50.75.

40.90. TREE PLAN [ORD 4348; April 2005]**40.90.05. Purpose**

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs)), and Community Trees thus helping to preserve and enhance the sustainability of the City's urban forest. This Section is carried out by the approval criteria listed herein and implements the SNRA, Significant Grove, Significant Individual Tree, and Historic Tree designations as noted or mapped in Comprehensive Plan Volume III.

40.90.10. Applicability.

Different types of resources require different levels of protection. No Tree Plan is required for the following actions:

1. Removal of up to four (4) Community Trees, or up to 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period. Properties one-half acre or less in size developed with a detached dwelling may remove any number of Community Trees.
2. Removal and pruning of any hazardous, dead, or diseased tree when the tree is identified as such by a certified arborist or by the City Arborist and the removal is required by the City.
3. In the event of an emergency requiring tree removal or pruning prior to the City Arborist's determination, if evidence justifies the emergency removal after the fact, then no tree plan is required for removal.
4. Minor pruning, as defined in Chapter 90.
5. Pruning of trees consistent with the Vision Clearance requirements of the Engineering Design Manual.[ORD 4397; July 2006]
6. Pruning of trees by the utility provider for above ground utility power lines following acceptable arboricultural standards and practices.

40.90.10.

7. Pruning of trees to maintain the minimum 8 foot clearance above a sidewalk.
8. Removal or pruning of the following nuisance tree species anywhere in the city: Lombardy Poplar (*Populus nigra*), and birch (*Betula* sp.).
9. Removal and pruning of the following nuisance tree species in Significant Groves and SNRAs: Norway maple (*Acer platanoides*), Tree-of-Heaven (*Ailanthus altissima*), Golden Chain Tree (*Laburnum watereri*), and English or Common Hawthorne (*Crataegus monogyna*).
10. Removal of a tree or nonnative vegetation listed as a Nuisance or Prohibited Plant on Metro's Native Plant List or in Clean Water Services' Design and Construction Standards.
11. Within SNRAs and Significant Groves, planting of native vegetation listed on the Metro's Native Plant List or in Clean Water Services' Design and Construction Standards when planted with non-mechanized hand held equipment.
12. Public street and sidewalk improvements within SNRAs or Significant Groves that meet A. or B. and C:
 - A. Improvements within an existing public vehicular right-of-way; or
 - B. Improvements to a public vehicular right-of-way in order to meet functional classification standards, such as widening or half-street improvements; and
 - C. The proposed improvements do not exceed the minimum width standards of the Engineering Design Manual.
13. Trails within SNRAs and Significant Groves meeting all of the following:
 - A. Construction must take place between May 1 and October 30 with hand held equipment;
 - B. Trail widths must not exceed 30 inches and trail grade must not exceed 20 percent;
 - C. Trail construction must leave no scars greater than three inches in diameter on live parts of native plants; and
 - D. Trails must be placed outside the top of bank of any stream, river, or pond, and
 - E. Trails must be 100% pervious.

40.90.10.

14. Street Trees are covered by the Beaverton Municipal Code and Section 60.15.15.3.G.
15. Landscape Trees are covered by Section 40.20 Design Review and Section 60.60 Trees and Vegetation.
16. Enhancement activities conducted by a public agency for the sole purpose of improving the ecological health of forest and water resources.
17. Removal of a tree(s) by the City of Beaverton or Clean Water Services that is within five (5) feet of a section of existing sanitary or storm sewer line that is in need of emergency repair and/or maintenance within a SNRA when no reasonable alternative exists. [ORD 4397; July 2006]

40.90.15. Application.

There are four (4) Tree Plan applications which are as follows: Tree Plan One, Tree Plan Two, Tree Plan Three, and Commercial Timber Harvest.

1. Tree Plan One.

- A. Threshold. An application for Tree Plan One shall be required when none of the actions listed in Section 40.90.10 apply and one or more of the following thresholds apply:
 1. Major pruning of Protected Trees once within a one year period.
 2. Mechanized removal of non-native or invasive vegetation and clearing and grubbing of vegetation within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.
 3. Mechanized re-planting of trees and shrubs, or both, or restoration planting within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.

40.90.15.1.A.

4. Trails greater than 30 inches in width, or trail grade exceeding 20 percent, trail surfaces less than 100% pervious surface, or any combination thereof within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services that do not result in tree removal.

B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Tree Plan One. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Tree Plan One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Tree Plan One application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
4. If applicable, pruning is necessary to improve tree health or to eliminate conflicts with vehicles or structures which includes, but is not limited to, underground utilities and street improvements.
5. If applicable, the removal of vegetation or clearing and grubbing is necessary to accommodate physical development in the area in which the removal is proposed.
6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.90.15.1.

- D. Submission Requirements. An application for a Tree Plan One shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan One application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan One application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section 60.60 (Trees and Vegetation).
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Tree Plan One proposal shall not be extended.

40.90.15.

2. Tree Plan Two

- A. Threshold. An application for Tree Plan Two shall be required when none of the actions listed in Section 40.90.10 apply, none of the thresholds listed in Section 40.90.15.1 apply, and one or more of the following thresholds apply:
1. Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in 40.90.10.1.
 2. Multiple Use Zoning District: Removal of up to and including 85% of the total DBH of non-exempt surveyed tree(s) within a SNRA or Significant Grove area that is found on the project site.
 3. Commercial, Residential, or Industrial Zoning District: Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) within a SNRA or Significant Grove area that is found on the project site.
 4. Removal of a Significant Individual Tree(s).
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Tree Plan Two. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Tree Plan Two application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.

40.90.15.2.C.

3. If applicable, removal of a Community Tree(s) is necessary to enhance the health of the tree, grove, group of trees, or an adjacent tree or to eliminate conflicts with structures or vehicles.
4. If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.
5. If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.
6. If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.
7. If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.
8. If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles.
9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.
10. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.

40.90.15.2.C.

11. The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.
12. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.
13. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Tree Plan Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan Two application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan Two application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section 60.60 (Trees and Vegetation).
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.

40.90.15.2.

- H. Extension of a Decision. Previous approval of Tree Plan Two proposal shall not be extended.

40.90.15.

3. Tree Plan Three

- A. Threshold. An application for Tree Plan Three shall be required when none of the actions listed in Section 40.90.10 or none of the thresholds listed in Section 40.90.15.1 or Section 40.90.15.2 apply and one or more of the following thresholds apply:
1. Multiple Use Zoning Districts: Removal of greater than 85% of the total DBH of non-exempt surveyed trees within a SNRA or Significant Grove area that is found on the project site.
 2. Residential, Commercial, and Industrial Zoning Districts: Removal of greater than 75% of the total DBH of non-exempt surveyed trees within a SNRA or Significant Grove area that is found on the project site.
 3. Removal of individual Historic Trees.
 4. Commercial timber harvest of trees which fail to meet the approval criterion specified in Section 40.90.15.4.C.4.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Tree Plan Three. Upon determination by the Director, the decision making authority shall be either the Planning Commission or the Board of Design Review. The determination will be based upon the proposal.
- C. Approval Criteria. In order to approve a Tree Plan Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Tree Plan Three application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.

40.90.15.3.C.

3. If applicable, removal of a diseased tree or a tree is necessary because the tree has been weakened by age, storm, fire, or other condition.
4. If applicable, removal is necessary to enhance the health of the grove or adjacent tree(s) to reduce maintenance, or to eliminate conflicts with structures or vehicles.
5. If applicable, removal is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.
6. If applicable, removal is the minimum necessary to accommodate physical development because no reasonable alternative exists for the development at another location on the site and variances to setback provisions of the Development Code will not allow the tree(s) to be saved or will cause other undesirable circumstances on the site or adjacent properties.
7. If applicable, removal is necessary because a tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the subject site or on an adjacent site.
8. If applicable, removal is necessary to accomplish a public purpose, such as installation of public utilities, street widening, and similar needs where no reasonable alternative exists without significantly increasing public costs or reducing safety.
9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.
10. If applicable, removal of tree or trees within a Significant Grove will not reduce the size of the grove to a point where the remaining trees may pose a safety hazard due to the effects of windthrow.

40.90.15.3.C.

11. If applicable, removal of a tree within a Historic Grove will not substantially reduce the significance of the grove in terms of its original designation on the list of Historic Groves.
12. The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.
13. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.
14. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
15. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Tree Plan Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan Three application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), any other information identified through a Pre-Application Conference, and by a report from a qualified professional.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan Three application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section 60.60 (Trees and Vegetation).

40.90.15.3.

- F. Compliance with Approval. All conditions imposed on an approved Tree Plan Three shall be implemented prior to the removal, pruning, or planting of tree unless otherwise noted in the approval. Compliance with the conditions of approval shall be met as long as the tree exist unless otherwise specified or until modified through a City approval process.
- G. Appeal of a Decision. Refer to Section 50.70.
- H. Expiration of a Decision. Refer to Section 50.90.
- I. Extension of a Decision. Previous approval of Tree Plan Three proposal shall not be extended.

40.90.15.

4. Commercial Timber Harvest.

- A. Threshold. An application for Commercial Timber Harvest shall be required when none of the actions listed in Section 40.90.10 apply and following threshold applies:
1. Commercial harvest of timber on Tax Lot Identification Nos. 1S132CC11300, 1S132CD09000, and 1S132CD09100.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Commercial Timber Harvest. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Commercial Timber Harvest application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirement for a Commercial Timber Harvest application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
 4. The harvest of timber will leave no less than ten (10) living, healthy, and upright trees per acre each of which measure at least ten (10) inches in diameter at four (4) feet above grade.
 5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

40.90.15.4.

- D. Submission Requirements. An application for a Commercial Timber Harvest shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Commercial Timber Harvest application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Appeal of a Decision. Refer to Section 50.60.
- F. Expiration of a Decision. Refer to Section 50.90.
- G. Extension of a Decision. Previous approval of Commercial Timber Harvest proposal shall not be extended.

**40.93. TUALATIN HILLS PARK AND RECREATION DISTRICT
ANNEXATION WAIVER [ORD 4388; April 2006]****40.93.05. Purpose.**

The purpose of this section is to provide for the application of a Tualatin Hills Park and Recreation annexation waiver, which allows a waiver from the requirement to annex property into the Tualatin Hills Park and Recreation District as a condition of approval of any development as specified in Section 60.33 of this Code.

40.93.10. Applicability.

A THPRD annexation waiver may only be requested by the property owner(s) for any development proposed outside of THPRD boundaries who wish to provide their own park and recreation facilities and services rather than annex the site to THPRD.

40.93.15. Application.

There is a single THPRD annexation waiver application which is subject to the following requirements.

1. THPRD Annexation Waiver.

- A. Threshold. An application for a THPRD annexation waiver shall be required when the following threshold applies:
 - 1. The property proposed for development is not in the Tualatin Hills Park and Recreation District (THPRD) and the applicant wishes to provide park and recreation facilities and services for the development rather than annex the site to THPRD.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for a THPRD annexation waiver.
- C. Approval Criteria. In order to approve a THPRD annexation waiver application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

40.93.15.1.C.

1. The proposal satisfies the threshold requirements for a THPRD annexation waiver application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. Detailed plans and documentation demonstrating compliance with Section 60.33.15. Park facilities shall be deemed similar if provided for the projected number of future residents and/or employees of the proposed development at cost, quality and services levels equal to or greater than the minimum set for the core park system in the THPRD Comprehensive Master Plan. Improvements within provided park facilities shall be deemed similar if at least two of the following are provided: a tennis court, a basketball court, a swimming pool, or a children's play structure; and at least one of the following is also provided: a baseball/softball field, a soccer field, or a community/recreation center. Recreation services shall be deemed similar if provided for future residents or employees of the proposed development at cost, quality and service levels equal to or greater than the minimum set for such services in the THPRD Comprehensive Master Plan.
 4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a THPRD annexation waiver shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a THPRD annexation

40.93.15.1.E.

waiver application to ensure compliance with the approval criteria.

- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.

40.95. VARIANCE**40.95.05. Purpose.**

The purpose of a Variance application is to provide for the consideration of varying from the applicable provisions of this Code where it can be shown that, owing to special and unusual circumstances, the literal interpretation of these provisions would cause an undue or unnecessary hardship without a corresponding public benefit. This Section is carried out by the approval criteria listed herein.

40.95.10. Applicability.

A Variance application may only be requested for those proposals that request a variance of more than fifty percent (50%) from the numerical Site Development Requirements contained in Chapter 20 (Land Uses) or any numerical requirements contained in Section 60.30 (Off-Street Parking), Section 60.40 (Sign Regulations), and Section 60.55 (Transportation Facilities), excluding Section 60.55.30.

40.95.15. Application.

There is a single Variance application which is subject to the following requirements.

1. Variance.

A. Threshold. An application for Variance shall be required when the following threshold applies:

1. A change of more than fifty percent (50%) to the numerical standards specified in the Site Development Requirements contained in Chapter 20 (Land Uses).
2. Any change from the numerical requirements contained in Section 60.30 (Off-Street Parking).
3. Any change from the numerical requirements contained in Section 60.40 (Sign Regulations).
4. Excluding Section 60.55.30, any change from the numerical requirements contained in Section 60.55 (Transportation Facilities).

40.95.15.1.A.

5. A change of more than fifty percent (50%) to the numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.E.3. [ORD 4265; September 2003]

B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Variance. Upon determination by the Director, the decision making authority shall be either the Planning Commission or the Board of Design Review. The determination will be based upon the proposal.

C. Approval Criteria. In order to approve a Variance application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Variance application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. Special conditions exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures in the same zoning district.
4. Strict interpretation of the provisions of this ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district under the terms of this Code.
5. The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute financial hardship or inconvenience.

40.95.15.1.C.

6. If more than one (1) variance is being requested, the cumulative effect of the variances result in a project which is still consistent with the overall purpose of the applicable zone.
7. Any variance granted shall be the minimum variance that will make possible a reasonable use of land, building, and structures.
8. For a proposal for a variance from sign regulations, no variance shall be granted unless it can be shown that there are special circumstances involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district, and that the granting of the variance will not result in material damage or prejudice to other property in the vicinity and not be detrimental to the public safety and welfare. Variances shall not be granted merely for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign.
9. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.
10. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

40.95.15.1.C.

12. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for a Variance shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Variance application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Variance application to ensure compliance with the approval criteria. When considering a Variance application to the numerical sign regulations in Section 60.40 (Sign Regulations), the decision making authority shall review all of the existing or proposed signs for the development. The decision making authority may also impose other conditions of approval to require:
 1. Removal or alteration of conforming or nonconforming signs to achieve compliance with the standards contained in Section 60.40 (Sign Regulations).
 2. Removal or alteration of conforming or nonconforming signs in order to establish a consistent sign design throughout the development.
 3. Sign permit applications for signs erected without permits or removal of such illegal signs.
- G. Appeal of a Decision. Refer to Section 50.70.
- H. Expiration of a Decision. Refer to Section 50.90.
- I. Extension of a Decision. Refer to Section 50.93.

40.96 WIRELESS FACILITY [ORD 4332; November 2004]**40.96.05. Purpose.**

The purpose of the wireless facility application is to ensure the review and implementation of the regulations for the construction and use of wireless communication facilities in the City of Beaverton. The section is consistent with the federal Telecommunications Reform Act of 1996 and is intended to minimize potential adverse visual, aesthetic, and safety impacts of wireless communication facilities on residential neighborhoods, and on the community as a whole by establishing review standards for the use, placement, and design of wireless communication facilities. This Section is carried out by the approval criteria listed herein.

40.96.10. Applicability.

The development, installation, and modification of wireless facilities listed in Chapter 20 (Land Uses) for each zoning district shall be subject to the provisions of this section.

40.96.15. Application.

There are three (3) Wireless Facility applications which are as follows: Wireless Facility One, Wireless Facility Two, and Wireless Facility Three.

1. Wireless Facility One.

A. Threshold. An application for Wireless Facility One shall be required when one or more of the following thresholds apply:

1. In any zoning district, collocation of a new wireless communication facility on an existing wireless communication tower that does not exceed the maximum height standard for wireless communications facilities of the underlying zoning district.
2. In any zoning district, incorporation of wireless communication facilities into the architectural features of existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes, and that utilize stealth design.

40.96.15.1.A.

3. In any zoning district, attachment of wireless communications facilities to existing structures consistent with the provisions of Section 60.70.35.13.
4. In industrial zoning districts, up to and including two (2)) satellite antennas less than five (5) meters in diameter on one (1) lot.
5. In commercial zoning districts, up to and including two (2) satellite antennas more than two (2) meters in diameter on one (1) lot.
6. In any zoning district, installation of one (1) replacement tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals.
7. In any zoning district, attachment of antennas to tower structures or pole structures other than those used for cellular phone service.

B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Wireless Facility One. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Wireless Facility One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Wireless Facility One application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

40.96.15.1.C.

4. The proposal meets all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.
 5. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).
 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Wireless Facility One shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Wireless Facility One application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Wireless Facility One application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.96.15.

2. Wireless Facility Two.

- A. Threshold. An application for Wireless Facility Two shall be required when one or more of the following thresholds apply:
1. In all industrial zoning districts, construction of a wireless communication facility tower.
 2. In any zoning district, attachment of a new wireless communication facility to existing or new buildings or structures provided that these buildings and structures are not exclusively used for single-family or multi-family residential purposes, and stealth design is utilized.
 3. In industrial zoning districts, attachment of a wireless communication facility to an existing or new building or structure not utilizing stealth design.
 4. In commercial and industrial zoning districts, direct-to-home satellite service having antennas greater than one (1) meter in diameter.
 5. In multiple use zoning districts, up to and including three (3) satellite antennas greater than two (2) meters in diameter on one (1) lot.
 6. In industrial zoning districts, three (3) and up to and including five (5) satellite antennas greater than five (5) meters in diameter on one (1) lot.
 7. In commercial zoning districts, up to and including five (5) satellite antennas greater than two (2) meters in diameter on one (1) lot.
 8. In any zoning district, and subject to the approval of an Adjustment or Variance, collocation of a new wireless communication facility inclusive of antennas on an existing wireless communication facility tower that exceeds the maximum height standard for wireless communications facilities of the underlying zoning district.

40.96.15.2.A.

9. In any zoning district, above-ground installation of equipment for wireless communication facilities on streetlights, or traffic signal lights, or high voltage power utility poles, within the road right-of-way of designated Freeways and Arterial streets.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Wireless Facility Two. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Wireless Facility Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Wireless Facility Two application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
 4. The proposal will not obstruct any existing or approved vehicular, pedestrian, or bicycle connection identified in the Comprehensive Plan.
 5. That the development has been designed to, where possible, incorporate and preserve existing trees and vegetation of significant size and species.
 6. That grading of the site shall take place with particular attention to minimizing the possible adverse effect of grading on the natural vegetation and physical appearance of the site.

40.96.15.2.C.

7. That the quality, location, size and aesthetic design of walls, fences, berms, hedges, screen planting and landscape areas have minimal adverse effect on existing or approved abutting land uses.
8. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.
9. The proposal is consistent with all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.
10. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
12. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

40.96.15.2.

- D. Submission Requirements. An application for a Wireless Facility Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Wireless Facility Two application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Wireless Facility Two application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.96.15.

3. Wireless Facility Three.

- A. Threshold. An application for Wireless Facility Three shall be required when the following threshold applies:
1. In all zoning districts, except industrial, construction of a wireless communication facility tower.
 2. A wireless communication facility tower proposed to be set back less than fifty (50) feet from abutting residential, or multiple use zoning districts.
 3. In industrial zoning districts, attachment of a new wireless communication facility to an existing or new building or structure that does not utilize stealth design.
 4. In residential and multiple use zoning districts, direct-to-home satellite service having antennas greater than one (1) meter in diameter.
 5. In multiple use zoning districts, more than three (3) satellite antennas greater than two (2) meters in diameter on one (1) lot.
 6. In commercial zoning districts, more than five (5) satellite antennas greater than two (2) meters in diameter on one (1) lot.
 7. In industrial zoning districts, more than five (5) satellite antennas greater than five (5) meters in diameter on one (1) lot.
 8. In any zoning district, above-ground installation of equipment for wireless communication facilities on streetlights, or traffic signal lights, or high voltage power utility poles within the road right-of-way of designated Collector Streets, Neighborhood Route Streets, or Local Streets.

40.96.15.3.

- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Wireless Facility Three. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Wireless Facility Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Wireless Facility Three application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. In relationship to the existing surroundings and future allowed uses, the location, size, shape, height, spatial and visual arrangement of the use and structure is compatible.
 4. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
 5. The proposal will not obstruct any existing or approved vehicular, pedestrian, or bicycle connection identified in the Comprehensive Plan.
 6. That the development has been designed to, where possible, incorporate and preserve existing trees and vegetation of significant size and species.
 7. That grading of the site shall take place with particular attention to minimizing the possible adverse effect of grading on the natural vegetation and physical appearance of the site.

40.96.15.3.C.

8. That the quality, location, size and aesthetic design of walls, fences, berms, hedges, screen planting and landscape areas have minimal adverse effect on existing or approved abutting land uses.
9. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.
10. The proposal is consistent with all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.
11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

40.96.15.3.

- D. Submission Requirements. An application for a Wireless Facility Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Wireless Facility Three application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Wireless Facility Three application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.97. ZONING MAP AMENDMENT

40.97.05. Purpose.

The purpose of a Zoning Map Amendment application is to provide for the consideration of legislative and quasi-judicial amendments to the zoning map. Legislative amendments to the zoning map are amendments of generally large size, diversity of ownership or of interest to a large geographic area. Quasi-judicial amendments to the zoning map are amendments that are generally small in size, single ownership or affect only a relatively small geographic area. Annexation related amendments to the zoning map are those amendments, whether legislative or quasi-judicial, which are associated with land being annexed into the City. It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs, and desires. This Section is carried out by the approval criteria listed herein.

40.97.10. Applicability.

The provisions of this section shall apply to a change of the zoning designation for parcels of land within the City.

40.97.15. Application.

There are four (4) Zoning Map Amendment applications which are as follows: Quasi-Judicial Zoning Map Amendment, Legislative Zoning Map Amendment, Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Related Zoning Map Amendment. The Director shall determine if a zone change is quasi-judicial or legislative. For annexation related zone change applications, the Director shall determine if the applications are discretionary or non-discretionary.

1. Quasi-Judicial Zoning Map Amendment.

- A. Threshold. An application for Quasi-Judicial Zoning Map Amendment shall be required when the following threshold applies:
 - 1. The change of zoning designation for a specific property or limited number of specific properties.

40.97.15.1

- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Quasi-Judicial Zoning Map Amendment. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Quasi-Judicial Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Quasi-Judicial Zoning Map Amendment application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal conforms with applicable policies of the City's Comprehensive Plan.
 4. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
 5. All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.
 6. Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.
 7. The proposal is or can be made to be consistent with all applicable provisions of Chapter 20 (Land Uses).

40.97.15.1.C.

8. In addition to the criteria stated in Section 40.97.15.1.C.1 through 4, above, the following criteria shall apply to Quasi-Judicial Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.
 - a. There is a public need for the proposal and that this need will be served by changing the zoning district classification of the property in question as compared with other available property.
 - b. The public interest is best carried out by approving the proposal at this time.
9. The proposal shall include a Traffic Impact Analysis that meets the requirements of 60.55.20. The analysis shall demonstrate that development allowed under the proposed zoning can meet the requirements of 60.55.10.1, 60.55.10.2, 60.55.10.3, and 60.55.10.7. The analysis shall identify the traffic impacts from the range of uses allowed under the proposed zoning and demonstrate that these impacts can be reasonably mitigated at the time of development. [ORD 4302; May 2004]
10. As an alternative to 40.97.15.1.C.6, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning. [ORD 4302; May 2004]
11. [ORD 4382; April 2006] In cases where the Comprehensive Plan identifies more than one zone to implement the applicable Land Use Map designation, the applicant is to demonstrate how the proposal conforms with applicable District Requirements of the zone(s) subject to Quasi-Judicial Zoning Map Amendment consideration.
12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

40.97.15.1.C.

13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for Quasi-Judicial Zoning Map Amendment to the City's zoning map shall be made by the owner of the subject property, or the owner's authorized agent, the City Council, Mayor, or their designee on a form provided by the Director. All Quasi-Judicial Zoning Map Amendment applications shall be filed with the Director and shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Appeal of a Decision. Refer to Section 50.70.

40.97.15.

2. Legislative Zoning Map Amendment.

- A. Threshold. An application for Legislative Zoning Map Amendment shall be required when the following threshold applies:
1. The change of zoning designation for a large number of properties.
- B. Procedure Type. The Type 4 procedure, as described in Section 50.50 of this Code, shall apply to an application for Legislative Zoning Map Amendment. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Legislative Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Legislative Zoning Map Amendment application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal conforms with applicable policies of the City's Comprehensive Plan.
 4. All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.
 5. Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.
 6. The proposal is or can be made to be consistent with all applicable provisions of Chapter 20 (Land Uses).

40.97.15.2.C.

7. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
9. In addition to the criteria stated in Section 40.97.15.2.C.1 through 4, above, the following criteria shall apply to Legislative Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.
 - a. There is a public need for the proposal and that this need will be served by changing the zoning district classification of the property in question as compared with other available property.
 - b. The public interest is best carried out by approving the proposal at this time.

[ORD 4404; September 2006]

- D. Submission Requirements. An application for Legislative Zoning Map Amendment to the City's zoning map may be initiated by the City Council, Mayor, or their designee. All Legislative Zoning Map Amendment applications shall be filed with the Director and shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Appeal of a Decision. Refer to Section 50.75.

40.97.15.

3. Non-Discretionary Annexation Related Zoning Map Amendment.

- A. Threshold. An application for Annexation Related Zoning Map Amendment shall be required when one or more of the following thresholds apply:
1. The change of zoning to a City zoning designation as a result of annexation of land into the City.
 2. The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion.
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Non-Discretionary Annexation Related Zoning Map Amendment to the City's zoning map. The decision making authority is the City Council.
- C. Approval Criteria. In order to approve a Non-Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
 4. The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.

40.97.15.3.C.

5. Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. [ORD 4265; September 2003]

40.97.15.

4. Discretionary Annexation Related Zoning Map Amendment.

- A. Threshold. An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:
 - 1. The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Discretionary Annexation Related Zoning Map Amendment to the City's zoning map. The decision making authority is the Planning Commission.
- C. Approval Criteria. In order to approve a Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.
 - 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 - 3. The proposed zoning designation most closely approximates the density, use provisions, and development standards of the Washington County designation which applied to the subject property prior to annexation.
 - 4. The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.

40.97.15.4.C.

5. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. [ORD 4265; September 2003]

E. Appeal of a Decision. Refer to Section 50.70

CHAPTER 50 PROCEDURES

[ORD 4224; September 2002]

50.05. Initiation of an Application

1. An application subject to a Type 1, Type 2, or Type 3 procedure may be filed by:
 - A. The owner or the contract purchaser of the subject property, or any person authorized in writing to act as agent of the owner or contract purchaser.
 - B. The City Council, Mayor, or Director, as to property owned by the City, including public right of way and easements, or which the City intends to acquire.
 - C. Public agencies that own the property or have passed a resolution declaring that they intend to exercise their statutory authority to condemn the property.
2. A Text Amendment application subject to a Type 4 procedure may be filed by an interested person, City Council, Mayor, or Director.
3. A Zone Change application subject to a Type 1, Type 3, or Type 4 procedure may be filed by the City Council, Mayor, or Director. [ORD 4265; September 2003]

50.10. Withdrawal of an Application

1. An applicant may withdraw an application before the application is deemed complete.
2. An applicant may withdraw an application previously deemed complete at any time prior to adoption of a final City decision if the Director determines that:
 - A. The owners or contract purchasers or the interest holders in the property consent in writing to withdraw the application.
 - B. No violation of this Code has been identified on the subject property and processing of the application would not correct the identified violation.
3. The Director may withdraw any City initiated application at any time.
4. If an application is withdrawn after public notice has been mailed, the Director shall send written notice stating the application has been withdrawn to all persons to whom notice of the application or hearing has been sent. This provision shall not apply to legislative applications that require Citywide mailed notice.
5. Once an application has been withdrawn, the application fees shall be refunded by the following formula:
 - A. Application withdrawn prior to being deemed complete: 85%.
 - B. Application withdrawn prior to publication or distribution of public notice: 50%.
 - C. Application withdrawn after publication or distribution of public notice: 0%.
6. For withdrawal of appeals, refer to Section 50.89 of this Code.

50.15. Classification of Applications

1. An application shall be subject to the procedure type specified in the Code, if any. If the Code does not specify a procedure type for a given application and another procedure is not required by law, the Director shall determine the appropriate procedure based on the following guidelines. Where two or more procedure types could be applied to a particular application, the selected procedure will be the type providing the broadest notice and opportunity to participate.
 - A. A Type 1 procedure typically involves an application that is subject to non-discretionary criteria or criteria that require the exercise of professional judgment only about technical issues.
 - B. A Type 2 procedure typically involves an application that is subject to criteria that require the exercise of limited discretion about non-technical issues and about which there may be limited public interest.
 - C. A Type 3 procedure typically involves an application that is subject to criteria that require the exercise of substantial discretion and about which there may be broad public interest, although the application applies to a limited number of land owners and properties.
 - D. A Type 4 procedure typically involves the adoption, implementation or amendment of policy or law by ordinance. The subject of a Type 4 procedure generally applies to a relatively large geographic area containing many property owners.

50.15.

2. When an applicant submits more than one complete application for a given proposal, where each application addresses a separate set of code requirements and the applications are subject to different procedure types, all of the applications are subject to the procedure type of the application which requires the broadest notice and opportunity to participate. For example, a Type 2 application will be consolidated with a Type 3 application for the same proposal on the same site, in which case, the Type 2 application will be reviewed by the decision making authority of the Type 3 application. The decision making authority's action on the Type 2 application will be based on the approval criteria governing the Type 2 application. An appeal of the decision will be processed according to the provisions of Section 50.70 of this Code.

In the event that the completed applications involve applications where the decision making authority is a combination of either the Director, Board of Design Review, or Planning Commission, the decision making authority will be the Planning Commission.

Notwithstanding any other provision and at no cost to the applicant, the Director may choose to combine multiple applications for the same development as a way to increase the efficiency of development review. [ORD 4265; September 2003]

3. The Director shall determine the appropriate decision making authority between the Planning Commission and the Board of Design Review for Adjustment, Text Amendment, Tree Plan, and Variance applications. Such determination will be based upon the characteristics of the proposal and the associated application, if any. The determination of the Director may be appealed directly to the City Council pursuant to Section 50.70 of this Code.
4. Notwithstanding the Director's determination of procedure type, Type 1, 2, or 3 but not Type 4, an applicant may choose to have an application at the time of submittal be subject to a procedure type requiring broader notice and opportunity to participate provided the applicant pays the appropriate fee for the selected procedure type and the Director determines that statutory timelines for reaching a final decision can be satisfied.

50.15.

5. Notwithstanding any other provision, and, at no additional cost to the applicant, the Director may choose to process a Type 2 application under the Type 3 procedure in order to provide greater notice and opportunity to participate than would otherwise be required, or in order to comply with the time requirements for reviewing development applications pursuant to ORS 227.178. The decision making authority's action on the Type 2 application will be based on the approval criteria governing the Type 2 application.

50.20. Pre-Application Conference

1. With the exception of an application filed by the City, a pre-application conference shall be required for all proposals which require Type 2, Type 3, or Type 4 applications. An applicant may choose to forgo the required pre-application conference for a Type 2 application upon completion of a form for that purpose provided by the Director. A pre-application conference is optional for an applicant for proposals which require only Type 1 applications. [ORD 4365; September 2005]
2. The purpose of the pre-application conference is to acquaint the City and outside agencies and service providers with a potential application, and to acquaint the applicant with the requirements of this Code, the Comprehensive Plan, and other relevant criteria and procedures. It is not an exhaustive review of all potential issues, and the conference does not bind or preclude the City from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated in the pre-application conference.
3. The City will schedule and conduct the pre-application conference within twenty-one (21) calendar days of receipt of a request for a pre-application conference. Notwithstanding application completeness requirements, if a required pre-application conference is not conducted within the twenty-one day time period due to no fault of the applicant, the applicant may elect to proceed with an application without a pre-application conference.
4. To initiate the pre-application conference, an applicant shall submit a completed form provided by the Director for that purpose, the relevant fee, and copies of all information required by the relevant Section of the Code or specified in writing by the Director.

The Director shall coordinate the involvement of City staff responsible for planning, development review, roads, drainage, and other subjects, as appropriate, in the pre-application review process. The Director shall also invite outside agencies and service providers, as appropriate, to participate in the pre-application conference.

5. Within approximately fourteen (14) calendar days after a pre-application conference, the Director shall mail to the applicant, or the applicant's agent, a written summary of the conference. The Director shall mail a copy of the summary to any other person who requests one and pays the City's mailing and photocopying costs. The purpose of the written summary is to provide a preliminary assessment of a proposal and is not to be construed as a final recommendation or

decision by the City or by any other outside agency or service provider on the merits of the proposal. The pre-application conference written summary shall:

- A. Summarize the contemplated use and relevant characteristics of the proposal.
 - B. Identify necessary application submittal requirements.
 - C. Identify the relevant approval criteria and development regulations, with a disclaimer that the approval criteria and development regulations in effect at the time an application is received will control and that such approval criteria and development regulations may change.
 - D. Identify specific additional information that is needed to respond to the relevant criteria and development regulations or is recommended to respond to other issues.
 - E. Identify applicable application fees, with a disclaimer that fees are subject to change and that the fees in effect at the time a complete application is received will control.
 - F. Identify information that may be relevant to the proposal and that may be in the possession of the City or other agencies of which the City is aware, such as:
 - 1. Comprehensive Plan map designation and zoning on and adjacent to the property, which is the subject of the pre-application conference.
 - 2. Physical development limitations, such as steep or unstable slopes, wetlands, water bodies, or sensitive resource areas that exist on and in the vicinity of the subject property.
 - 3. Other applications of which the City is aware that have been approved or are pending for the property and in the vicinity of the property that may affect or be affected by a proposal.
6. If a complete application relating to a proposed development action that was the subject of a pre-application conference has not been submitted within one year of the conference, the applicant shall schedule a current pre-application conference.

50.25. Application Completeness

1. A complete application is one which contains the information required by the Director to address the relevant criteria, development requirements, and procedures of this Code. Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement. All other complete application shall consist of the requisite number of copies of the following: [ORD 4265; September 2003]
 - A. A completed original application form provided by the Director and application checklist provided by the Director, signed by:
 1. The applicant.
 2. If the applicant is not the owner, the owner of the property, or the authorized agent of the property owner. If an authorized agent, a written statement made by the owner of the property shall be submitted stating that the agent is authorized to sign on the owner's behalf.
 3. If the applicant is exercising its statutory authority to condemn property, the representative of the public agency accompanied by written documentation of such condemnation or intent to condemn the property.
 4. Property owner signatures are not required for City initiated Type 4 Text Amendment applications and City initiated Type 1, Type 3, and Type 4 Zoning Map Amendments. [ORD 4265; September 2003]
 - B. A written statement, supported by substantial evidence, that identifies the criteria and development regulations considered relevant to the application, states the facts alleged to show that the application complies with applicable criteria and development regulations, and explains why the application should be approved based on the criteria and development regulations and facts set forth in the application. In addition to addressing applicable criteria and development regulations relevant to the application type, the written statement shall address all the technical criteria specified in Section 40.03 (Facilities Review Committee) of the Code for the following Type 2 and Type 3 land use applications: all Conditional Use, Design

50.25.1.B.

Review Two, Design Review Three, all Land Division, Public Transportation Facility, and Street Vacation. [ORD 4265; September 2003] [ORD 4404; September 2006]

- C. The Director may require an applicant to submit information in addition to that required on the form to aid in deciding whether an application satisfies applicable criteria and development regulations. The Director shall attempt to identify additional necessary information in the pre-application conference.
 - D. The information required by Section 50.30.4 regarding Neighborhood Meeting requirements, if applicable.
 - E. For a Type 2, Type 3, or Type 4 application, a copy of the pre-application conference summary.
 - F. Documentation from Clean Water Services stating that water quality will not be adversely affected by the proposal.
 - G. The applicable fee in effect at the date of submittal.
- 2. To enable the Director to determine whether an application is complete, an applicant shall submit the requisite number of copies, as determined by the Director.
 - 3. The Director may defer collection of application fees during review of the application for completeness; provided, an application shall not be deemed complete until the City has received all required fees.
 - 4. The Director shall advise the applicant in writing whether an application is complete by sending a completeness notice by first class mail within thirty (30) calendar days after the City receives an application. To comply with this completeness notice requirement, the completeness notice must be postmarked by the thirtieth day.
- A. If an application is incomplete, the completeness notice shall list what information is missing.

50.25.4.B.

- B. The completeness notice shall include a form, designed to be returned to the Director by the applicant indicating whether or not the applicant intends to amend or supplement the application, and instructing the applicant to mail, facsimile, or deliver the form or written equivalent to the Director so that the Director receives it before the thirty (30) calendar day completeness review period expires.
5. Incompleteness shall be based solely on failure to pay required fees, failure to address the relevant criteria or development regulations, or failure to supply required information and shall not be based on differences of opinion as to quality or accuracy. Determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.
6. The Director may waive application requirements that in the Director's opinion are not necessary to show an application complies with relevant criteria and development regulations and may modify application requirements based on the nature of the proposed application, development, site, or other factors. The City shall specifically identify any such waiver in the pre-application conference written summary or other written correspondence.
7. The application will be deemed complete for the purpose of this section upon receipt by the Community Development Department of:
- a. All the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.

[ORD 4282; January 2004]

50.25.9.

8. Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise. [ORD 4282; January 2004]
9. The 120 calendar day time line specified in Section 50.25.8 may be extended at the written request of the applicant. The total of all extensions may not to exceed 240 calendar days from the date the application was deemed complete. [ORD 4282; January 2004]
10. The applicant may amend the application up to and including fourteen (14) calendar days after the application has been deemed complete. Amendments to an application submitted more than fourteen (14) calendar days after the application is deemed complete may be determined by the Director to be so substantial that the application should be treated as having been refiled. In such a case, the Director shall provide the applicant with the following options: provide the City with a waiver of the 120-day timeframe set forth in ORS 227.178 of a minimum of fourteen (14) calendar days from the date the amendment was submitted; treat the application as having been refiled as of the date the amendment was submitted; or, decide the application on the basis of the applicant's materials without the amendment.
11. For any application which has been on file with the City for more than 180 calendar days and the applicant has not met the obligations of Section 50.25.7, the application will be deemed withdrawn. [ORD 4397; July 2006]

50.30. Neighborhood Review Meeting

1. The purpose of the Neighborhood Review Meeting is to allow neighbors, representatives from the Neighborhood Association Committee (hereinafter referred to as NAC), and interested persons an opportunity to become familiar with the proposal and to identify any associated issues. The Neighborhood Review Meeting is intended to assist in producing applications that are responsive to neighborhood concerns, and to reduce the likelihood of delays and appeals. The City expects an applicant to take into consideration the reasonable concerns and recommendations of the neighborhood when preparing an application. The City expects the neighbors and NAC to work with the applicant to provide reasonable concerns and recommendations.
2. Prior to submittal of an application subject to a Type 3 procedure, the applicant shall provide an opportunity to meet with neighboring property owners, residents and businesses (hereinafter collectively referred to as “neighbors”) as well as representatives from the NAC within whose boundaries the site is located or within the notice radius to review the proposal. The applicant shall not be required to hold more than one Neighborhood Review Meeting provided such meeting is held within six-months prior to submitting an application for one specific site. This requirement does not apply to applications required by Design Review Three threshold number 7 (Section 40.20.15.3.A.7) or applications for Quasi-Judicial Zoning Map Amendment (Section 40.97.15.1) or Discretionary Annexation Related Zoning Map Amendment (Section 40.97.15.4). [ORD 4332; November 2004]
3. Procedures.
 - A. Except as otherwise provided in this section, the applicant shall select the meeting time and place according to the preference indicated by the relevant NAC. Preference should be given to a regularly scheduled meeting time of the NAC in which the project is located. The starting time selected shall be limited to a weekday evening after 6:00 p.m. or a weekend at any reasonable time and shall not occur on a National holiday. The meeting shall be held at a location open to the public and in compliance with the Americans with Disabilities Act within the boundaries of the NAC or at a similar location within the City of Beaverton. A sign at least 22” x 28” in size with minimum 2” lettering shall be placed at the main entrance of the building where the meeting will take place at least one hour prior to the meeting. Such sign will announce the meeting, that the meeting

50.30.3.A.

is open to the public and that interested persons are invited to attend. This sign shall be removed upon conclusion of the meeting by the applicant.

- B. The applicant shall send by regular mail a written notice announcing the Neighborhood Review Meeting to: the Director, property owners within 500 feet of the property involved in the anticipated application and to representatives of all NACs whose boundaries are within 500 feet of the subject property. The notice shall include the date, time and location of the meeting and briefly discuss the nature and location of the proposal. The notice shall be mailed not less than 20 calendar days prior to the meeting date. The Director shall maintain on file in the Community Development Department, current addresses of NAC Officers and/or representatives and related NAC information, including regularly scheduled or monthly meeting dates, times and locations.

The mailing list shall be based on the most recent property tax assessment rolls of the Washington County Department of Assessment and Taxation. At the request of the applicant, and upon payment of the applicable fee, the City will provide the required mailing list.

- C. Not less than 20 calendar days prior to the Neighborhood Review Meeting, the applicant shall post a notice on the property which is subject of the proposed application. The notice shall be posted within 50 feet of an adjoining public right-of-way in a manner that can be read from the right-of-way. The notice shall state that the site may be subject to a proposed development and shall set forth the name of the applicant and a telephone number where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the Neighborhood Review Meeting. The applicant may purchase a second sign from the City or create a sign to post at the Neighborhood Review Meeting location. [ORD 4312; June 2004]

Standard signs are available from the City upon payment of a fee. The City will not be responsible for posting of any signs.

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- D. At the Neighborhood Review Meeting, the applicant shall describe the proposed application to persons in attendance. The attendees may identify any issues that they believe should be addressed in the proposed application and recommend that those issues be submitted for City consideration and analysis.

At the request of the applicant and upon payment of a fee, the City will provide a facilitator for the Neighborhood Review Meeting.

- E. At the Neighborhood Review Meeting, the applicant shall take notes of the discussion on the proposed application. After the meeting and before submitting an application to the City, the applicant shall send a copy of the meeting notes to the Chairperson of the NAC in which the project is to be located by certified mail.

- 4. To comply with this section, an applicant shall submit the following information with the application:

- A. A copy of the notice sent to surrounding property owners and the NAC Representatives as described in Section 50.30.3.B.
- B. A copy of the mailing list used to send out meeting notices as described in Section 50.30.3.B.
- C. A written statement containing the information posted on the property as described in Section 50.30.3.C.
- D. An affidavit of mailing and posting notices as described in Sections 50.30.3.A through C.
- E. Copies of written materials and 8.5" x 11" size plans presented at the Neighborhood Review Meeting.
- F. Notes of the meeting, including the meeting date, time, and location, the name and address of those attending, and a summary of oral and written comments received.
- G. A certified mail receipt indicating mailing of the meeting notes to the Chairperson of the NAC.

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- H. If responses to the meeting notice were not received by the applicant and no one attended the Neighborhood Review Meeting or persons in attendance made no comments, the applicant shall submit evidence as indicated above, with the notes reflecting the absence of comment, attendance, or both.
5. Failure of a property owner to receive notice shall not invalidate the Neighborhood Review Meeting proceedings.

50.35. Type 1

1. Except for Non-Discretionary Annexation Related Zoning Map Amendment applications, the decision making authority for all Type 1 applications shall be the Director. For Non-Discretionary Annexation Related Zoning Map Amendment applications, the decision making authority shall be the City Council.
2. Except for Non-Discretionary Annexation Related Zoning Map Amendment applications, the decision making authority shall approve, approve with conditions, or deny an application subject to a Type 1 procedure within approximately twenty eight (28) calendar days after the date the application was deemed or determined to be complete. In the case of a Type 1 application for a site that is identified on the Local Wetland Inventory (LWI), the decision shall be made within forty (40) calendar days. In either case, an applicant may request in writing a continuance of the time for decision by the Director, not to exceed a total of 180 calendar days from the date the application was deemed or determined to be complete. The decision making authority shall issue a decision prior to the conclusion of the continuance of time. The decision making authority may consider new evidence the applicant introduces with or after such request for continuance. [ORD 4312; June 2004]
3. The written notice of decision for Type 1 applications, except for Non-Discretionary Annexation Related Zoning Map Amendment applications, shall be mailed to the applicant and include the following information:
 - A. A brief summary of the proposal and the application which is the subject of the decision, the decision and any conditions of approval.
 - B. A description of the site reasonably sufficient to inform the reader of its location including site address, if available, map and tax lot number, site zoning, and name of the NAC in which the proposal is located.
 - C. A statement of the facts upon which the decision making authority relied to determine whether the application satisfied or failed to satisfy each applicable approval criterion.
 - D. The decision to approve or deny the application, and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria.

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- E. A statement that the decision is final, unless appealed as provided in Section 50.60 within twelve (12) calendar days after the date of the notice or may be modified pursuant to Section 50.95. The notice shall state in boldface type the date and time by which an appeal must be filed. The statement shall describe the requirements for filing an appeal of the decision.
 - F. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.
- 4. If an applicant does not intend to appeal the decision, the applicant may complete a form stating such intention. Upon submittal of said form to the City, the decision shall be final and no further appeal period shall be necessary.
 - 5. In the case of Non-Discretionary Annexation Related Zoning Map Amendment applications, if the Council intends to adopt an ordinance to change a zoning designation, the City Attorney shall prepare same. Ordinances shall thereafter be adopted pursuant to the City Charter. The City Council shall adopt or approve written findings which demonstrate that the approval complies with applicable approval criteria.
 - 6. In the case of Non-Discretionary Annexation Related Zoning Map Amendment applications, the written notice of decision shall include the following:
 - A. A statement that no discretion was exercised in the assignment of the zoning district designation and that the assigned zoning district designation is consistent with the Washington County - Beaverton Urban Planning Area Agreement (UPAA) in effect at the time of application.
 - B. A statement that the decision is final but may be appealed to a court of competent jurisdiction. [ORD 4265; September 2003]
 - C. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

50.40. Type 2

1. The decision making authority for a Type 2 application shall be the Director.
2. Approximately seven (7) calendar days after the application has been determined to be or deemed complete, the Director shall mail a written notice to:
 - A. The applicant and the property owner.
 - B. The Chair of the NAC in which the subject property is located and the Chair of any other NAC's whose boundaries are within three hundred (300) feet of the subject property. [ORD 4397; July 2006]
 - C. Owners of property within three hundred (300) feet of any property line that is the subject of the application. The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
3. The written notice of the pending application shall include the following information:
 - A. The case file number for the application.
 - B. A description of the site reasonably sufficient to inform the reader of its location including map and tax lot number, and if available, site address, site zoning, and name of the NAC in which the proposal is located.
 - C. A map showing the subject property in relation to other properties.
 - D. A summary of the application.
 - E. A listing of the applicable approval criteria by Development Code section number.
 - F. When and where information about the application may be examined and the name and telephone number of the City representative to contact about the application.

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- G. A statement that a meeting of the Facilities Review Committee will occur on a specified date with the applicant to discuss technical issues associated with the application and the date of such meeting.
 - H. A statement that interested parties can submit written comments, but, to be considered, the City must receive those comments no later than the comment closing date, which is a specific date established by the Director and which is approximately twenty eight (28) calendar days from the date the application is determined to be or deemed complete. The comment closing date shall be listed in boldface type.
 - I. A statement that the decision shall be made after the comment closing date.
- 4. Within approximately seven (7) calendar days after the application has been determined to be or deemed complete and in no case less than twenty (20) calendar days before the decision making authority's decision, the Director shall publish in a newspaper of general circulation in the City of Beaverton a summary of the application, the comment closing date on the application, the date of the Facilities Review Committee meeting with the applicant, and the date on which a decision will be made on the application. [ORD 4404; September 2006]
 - 5. Not more than ten (10) calendar days after the application has been determined to be or deemed complete, the applicant shall post on the site at least one (1) notice signboard provided by the Director for that purpose. The signboard shall be posted in a conspicuous place visible to the public on or in the vicinity of the property subject to the application. The signboard shall state with minimum two (2)-inch high letters the case file number and the telephone number where City staff can be contacted for more information.
 - 6. Subject to the limitations set forth in Section 50.25.10, the applicant may amend the application during a period of time of up to and including fourteen (14) days after the application has been determined to be or deemed complete.

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7. Approximately twenty eight (28) calendar days after the application has been determined to be or deemed complete, the Director shall convene the Facilities Review Committee to review the application with the applicant. [ORD 4404; September 2006]
8. Within approximately thirty five (35) calendar days after the application has been determined to be or deemed complete, the applicant shall submit to the Director an affidavit certifying where and when the notices referred to in Section 50.40.5 were posted.
9. Within approximately seven (7) calendar days after the Facilities Review Committee meeting, the Facilities Review Committee shall forward a written report to the Director. [ORD 4404; September 2006]
10. Within approximately fourteen (14) calendar days after the Facilities Review Committee meeting, the Director shall issue a written decision on the application to the applicant, the property owner, the NAC in which the subject property is located, and interested parties that submitted written comments prior to or on the comment closing date; provided, [ORD 4265; September 2003] [ORD 4404; September 2006]
 - A. The decision making authority shall consider the application, the applicant's supplement to or amendment of the application, if any, and the timely and relevant comments on the application. The decision making authority may consider comments and responses received from the applicant, the public, or both after the comment closing period on the proposal; and
 - B. An applicant may request in writing a continuance of time, not to exceed a total of 240 calendar days from the date the application was determined to be or deemed complete. The decision making authority shall issue a decision prior to the conclusion of the continuance of time. [ORD 4365; September 2005]
11. A decision shall include:
 - A. A brief summary of the proposal and the application which is the subject of the decision, the decision, and any conditions of approval.

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- B. A description of the site reasonably sufficient to inform the reader of its location including site address, and if available, map and tax lot number, site zoning, and the NAC in which the proposal is located.
- C. A statement of the facts upon which the decision making authority relied to determine whether the application satisfied or failed to satisfy each applicable approval criterion and assurance of compliance with the approval criteria.
- D. The decision to approve or deny the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- E. A statement that the decision is final, unless appealed as provided in Section 50.65 within twelve (12) calendar days after the date of the decision or may be modified pursuant to Section 50.95. The notice shall state in boldface type the date and time by which an appeal must be filed. The statement shall describe the requirements for filing an appeal of the decision.
- F. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.

50.45. Type 3

1. Except for Street Vacation application, the decision making authority for all Type 3 applications shall be either the Planning Commission or Board of Design Review. For Street Vacation application, the decision making authority shall be the City Council.
2. Within approximately seven (7) calendar days after the application has been deemed complete, the Director shall mail a written notice to:
 - A. The applicant and the property owner.
 - B. The NAC Chair in which the subject property is located and to any other NAC Chair whose boundaries are within five hundred (500) feet of the subject property. [ORD 4397; July 2006]
 - C. Owners of property within five hundred (500) feet of the property that is the subject of the application. The most recent property tax assessment rolls of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
3. The written notice of the pending application shall include the following information:
 - A. The case file number for the application.
 - B. A description of the site reasonably sufficient to inform the reader of its location including map and tax lot number, and if available, site address, site zoning, and name of the NAC in which the proposal is located.
 - C. A map depicting the subject property in relation to other properties.
 - D. The nature of the application and the proposed use. In the case of a zone change, the nature of the uses which could be authorized.
 - E. A listing of the applicable approval criteria by Development Code section number.

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- F. When and where information about the application may be examined and the name and telephone number of the City representative to contact about the application.
 - G. A statement that a meeting of the Facilities Review Committee will occur on a specified date with the applicant to discuss technical issues associated with the application and the date of such meeting.
 - H. The date, time and location of the hearing before the decision making authority, and a statement that the hearing will be conducted in accordance with the adopted rules of procedure.
 - I. A statement that the decision will be made after the hearing closes.
 - J. A statement that failure to raise an issue in a hearing, by testifying in person or by letter, or failure to provide statements or evidence with sufficient specificity to afford the decision making authority an opportunity to respond to such issue, precludes appeal to the Land Use Board of Appeals on that issue.
 - K. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days before the hearing, and a copy will be provided at reasonable cost.
 - L. A statement that a copy of the pre-application conference comments, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
4. Within approximately seven (7) calendar days after the application has been determined to be or deemed complete and in no case less than twenty (20) calendar days before the decision making authority's initial hearing, the Director shall publish in a newspaper of general circulation in the City of Beaverton a summary of the application, a date by which public comment on the application should be submitted to the Director, if applicable, the date of the Facilities Review Committee meeting with the applicant, and the place, date, and time of the decision making authority's hearing on the application under review. [ORD 4404; September 2006]

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5. In addition to the provisions of Sections 50.45.2, 50.45.4, and 50.45.8, the following noticing timelines shall apply for the following applications:
 - A. If the proposal is a Quasi-Judicial Zoning Map Amendment application (Section 40.97.15.1), the Director shall send the notice outlined in Section 50.45.3 by certified mail to the owner of property as shown on the current records of the Washington County Department of Assessment and Taxation which are subject to the proposed zone change at least thirty (30) days prior to the public hearing.
 - B. For any Zoning Map Amendment application which includes all or part of a mobile home or manufactured dwelling park, as defined in ORS 446.003, the Director shall mail the notice outlined in Section 50.45.3 to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least twenty (20) days but not more than forty (40) calendar days before the date of the initial hearing on the application. The applicant for such a zone change shall pay the costs of such notice, which shall be in addition to fees otherwise applicable to the application.
6. In addition to the noticing procedural requirements contained in Sections 50.45.2 through 50.45.4, a Street Vacation proposal shall be subject to the following procedures:
 - A. The newspaper notice of the proposed ordinance for street vacation described in Section 50.45.4 shall be published for at least two consecutive weeks prior to the public hearing.
 - B. A copy of the hearing notice described in Section 50.45.3 shall be made available in City Hall and the City Library.
 - C. At least fifteen (15) calendar days before the hearing for the street vacation, the applicant shall post a signboard, provided by the City at cost, at each terminus of the proposed street vacation. The sign shall contain the legend with minimum two inch (2") high letters "NOTICE OF STREET VACATION", the case number, the telephone number where City staff can be contacted for more information, and a statement that includes the date, time and place of the hearing of the City Council before whom the public may testify. The applicant is responsible for

50.45.6.C.

assuring that the sign is posted for a continuous period of at least fifteen (15) days.

7. In addition to the noticing procedural requirements contained in Sections 50.45.2 through 50.45.4, an application for the demolition of a historic building or structure shall be subject to the following procedures:
 - A. The applicant has advertised such building for sale and/or removal from the site, with such advertisement to run once per week over two consecutive weeks, no less than seven days apart, in a newspaper of general circulation in the City of Beaverton.
 - B. The applicant has posted a sign on the property for a continuous period of at least thirty (30) calendar days prior to the hearing. The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the building is located, and shall contain the legend "THIS HISTORIC BUILDING TO BE DEMOLISHED", together with a statement that includes the date, time and place of the hearing of the decision making authority before whom the public may testify. The applicant is responsible for assuring that the sign is posted for a continuous period of at least thirty (30) days.
 - D. If after 30 calendar days no party interested in purchasing or moving the property has come forward to the property owner, the City, or both, the decision making authority shall hold a hearing.
 - E. None of the preceding procedures listed in Section 50.45.7.A through D shall apply to the demolition of a historic building or structure if the Building Official has ordered the removal or demolition of such building because the Building Official has determined the building or structure to be dangerous to life, health or property.
8. Not less than twenty (20) calendar days before the decision making authority's hearing, the applicant shall post at least one (1) signboard provided by the Director for that purpose. The signboard shall be posted in a conspicuous place visible to the public on or in the vicinity of the property subject to the application. The signboard shall state

50.45.8.

with minimum two (2)-inch high letters the case number; the telephone number where City staff can be contacted for more information. In the case of Non-Discretionary Annexation Related Zoning Map Amendments and Discretionary Annexation Zoning Map Amendments processed by the City, no site posting shall be required. [ORD 4265; September 2003]

9. All documents and evidence relied upon by the applicant shall be submitted to the City and made available to the public at least seven (7) days prior to the hearing. Documents and evidence relied upon by the applicant which is submitted later than seven (7) days prior to the hearing shall be received, provided however, upon request of any interested person, the decision making authority shall continue the hearing to a date and time certain which is not less than seven (7) days later and permit persons to present and rebut new evidence, argument or testimony in response to the documents and evidence submitted by the applicant later than seven days prior to the hearing.
10. Within approximately twenty eight (28) calendar days after the application has been determined to be or deemed complete, the Director shall convene the Facilities Review Committee to review applicable technical aspects of the application with the applicant, if the application is subject to Facilities Review Committee review. [ORD 4404; September 2006]
11. Within approximately thirty five (35) calendar days after the application has been determined to be or deemed complete, the applicant shall submit to the Director an affidavit certifying where and when the notices were posted.
12. Within approximately seven (7) calendar days after the Facilities Review Committee meeting, the Facilities Review Committee shall forward a written report to the Director. [ORD 4404; September 2006]
13. Approximately twenty-one (21) calendar days after the Facilities Review Committee meeting, the decision making authority's initial hearing on the application shall take place. [ORD 4404; September 2006]

50.45.

14. At least seven (7) calendar days before the date of the initial hearing on the application, the Director shall make available to the public a copy of the staff report for review and inspection, and shall provide a copy of the staff report and recommendation to the decision making authority and to the applicant and property owner. The Director shall provide a copy of the staff report to the public at reasonable cost upon request.
15. Hearings before the Planning Commission or Board of Design Review shall be conducted in accordance with Section 50.55 through 50.58 of this Code. Hearing before the City Council shall be conducted in accordance with Section 50.85 through 50.88 of this Code. Hearings shall be recorded on audio only or audio and video tape.
16. At the conclusion of the hearing on each application, the decision making authority shall take one of the following actions:
 - A. Continue the hearing to a date, time, and location certain, which shall be announced by the Chair. Notice of date, time and location certain of the continued hearing is not required to be mailed, published, or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
 - B. Deny the application, approve the application, or approve the application with conditions.
 1. If the decision making authority takes action pursuant to Section 50.45.16.B, the decision making authority shall announce a brief summary of the basis for the decision, and that a land use order will be issued as provided in Section 50.45.17; provided, the proceedings may be continued for the purpose of considering such land use order without taking new testimony or evidence.
 2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763 (6) shall apply under this Ordinance in a manner consistent with state law.

50.45.16.

- C. In the case of Street Vacation, Quasi-Judicial Zoning Map Amendment, Discretionary Annexation Related Zoning Map Amendment applications, if the Council intends to adopt an ordinance to vacate a street or change a zoning designation, the City Attorney shall prepare same. An ordinance shall thereafter be adopted pursuant to the City Charter. The City Council shall adopt or approve written findings which demonstrate that the approval complies with applicable approval criteria.
17. After the public record closes, a written decision in the form of a land use order shall be prepared regarding the application. The land use order shall include:
- A. A listing of the applicable approval criteria by Development Code section number.
 - B. A statement or summary of the facts upon which the decision making authority relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The decision making authority may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the land use order to satisfy this requirement.
 - C. A statement of conclusions based on the facts and findings.
 - D. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
18. Within approximately seven (7) calendar days from the date that the decision making authority adopts a land use order, the Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the NAC in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The land use order shall be accompanied by a written notice which shall include the following information:

50.45.18.

- A. Except for a Street Vacation application, a statement that the decision is final but may be appealed as provided in Section 50.70 within ten (10) calendar days after the date of the signed notice is dated and mailed. The appeal closing date, which is ten (10) days after the date the signed notice is dated and mailed, shall be set forth in boldface type. The statement shall generally describe the requirements for filing an appeal.
- B. In the case of a Street Vacation application, a statement that the decision is final, but may be appealed to the Land Use Board of Appeal as provided in ORS 197.805 through ORS 197.860.
- C. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

50.50. Type 4

1. The initial decision making authority for Type 4 applications shall be either the Planning Commission or the Board of Design Review. The Commission's or Board's decision on a Type 4 application shall be a written recommendation, which is forwarded to the City Council. The City Council shall make the final decision on Type 4 applications as set forth in this Section.
2. Not more than forty (40) nor less than twenty (20) calendar days before the date of the initial hearing of the decision making authority on an ordinance that proposes to legislatively change the zoning map or to amend the text of the Development Code, the Director shall mail notice of the hearing to:
 - A. The applicant if other than the City.
 - B. All NAC Chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance, if adopted. [ORD 4397; July 2006]
 - C. Owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land.
 1. The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
 2. If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing.
3. The notice of the initial hearing in a Type 4 procedure shall include at least the following information:
 - A. If required by ORS 227.186, a statement in bold type across the top of the first page of the notice that reads as follows: "This is to notify you that the City shall consider a proposed land use regulation that may affect the permissible uses of your land." [ORD 4312; June 2004]

50.50.3.

- B. The date, time, and location of the hearing.
 - C. The nature and purpose of the hearing.
 - D. The case file number, title, or both of the proposed ordinance to be considered at the hearing.
 - E. A listing of the applicable approval criteria by Development Code and Comprehensive Plan section numbers.
 - F. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days before the hearing, and a copy will be provided at reasonable cost, and the name and telephone number of a City representative to contact about the ordinance.
 - G. A statement that failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision making authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
 - H. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
 - I. If applicable, a statement that the ordinance is a result of an order of the Land Conservation and Development Commission or Metro.
4. At least ten (10) calendar days before the Planning Commission or Board of Design Review's initial hearing in a Type 4 procedure, the Director shall:
- A. Publish in a newspaper of general circulation in the City of Beaverton a summary of the hearing notice, including the date, time, and location of the hearing and the number and nature of the ordinance to be considered.
 - B. Make copies of the hearing notice available in at least City Hall and the City Library.

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5. At least seven (7) calendar days before the initial hearing in a Type 4 procedure, the Director shall publish a written staff report and recommendation regarding the ordinance and shall make available to the public a copy of the staff report for review and inspection. The Director shall provide a copy of the staff report at reasonable charge to members of the public upon request.
6. Initial hearings shall be conducted in manner specified in Section 50.55 through 50.58 of this Code. Hearings shall be recorded on audio or audio and video tape.
7. At the conclusion of the hearing on a Type 4 procedure, the following options are available to the decision making authority: [ORD 4265; September 2003]
 - A. Continue the hearing to a date, time, and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is not continued to a date, time, and location certain in which case notice of the continued hearing shall be given as though it was the initial hearing.
 - B. Hold open the public record for the receipt of additional evidence, argument, or both to a date and time certain which is not less than seven (7) calendar days after the hearing. The decision making authority shall state where additional written evidence and testimony may be sent, and shall announce any limits on the nature of the evidence that will be received while the hearing record remains open.
 - C. Recommend that the City Council reject or adopt the ordinance with or without certain changes, conditions, or both, together with a written justification for the recommendation; provided, the hearing may be continued to a date, time, and location certain for the purpose of considering such a written recommendation without receiving new evidence or argument.
8. After the public record closes, a written decision in the form of a land use order shall be prepared regarding the application.

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9. Within approximately seven (7) calendar days from the date that the decision making authority adopts a land use order, the Director shall cause the order to be signed, dated, and mailed to the persons who appeared orally or in writing before the decision making authority prior to the closing of the public record ("persons of record"). The land use order shall be accompanied by a written notice which shall include the following information:
 - A. A statement that the recommendation may be appealed as provided in Section 50.75 within ten (10) calendar days after the date the signed notice is dated and mailed. The appeal closing date, which is ten (10) days after the date the signed notice is dated and mailed, shall be listed in boldface type. The statement shall generally describe the requirements for filing an appeal.
 - B. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.
10. Not more than thirty (30) calendar days after the decision making authority issues its land use order and not less than ten (10) calendar days before the date of City Council consideration of the decision making authority's recommendation if the decision making authority's land use order was not appealed, the Director shall mail notice to the persons of record. The notice shall contain at least the following information:
 - A. The date, time, and location of the City Council meeting.
 - B. The nature and purpose of the City Council meeting.
 - C. The case file number, title, or both of the land use order to be considered at the City Council meeting.
 - D. A statement that a copy of the land use order is available for inspection at no cost at least (7) days prior to Council consideration, and a copy will be provided at reasonable cost, and the telephone number of a City representative to contact about the ordinance.

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11. Consideration by the City Council of the Planning Commission's or the Board of Design Review's recommendation on a land use order shall be conducted in accordance with the rules of procedure adopted by the Council, except as otherwise required by statute. The process for filing an appeal to City Council from the decision making authority's land use order is set forth in Section 50.75.
12. In the absence of an appeal from the Planning Commission's or the Board of Design Review's recommendation, at the conclusion of the City Council consideration of the decision making authority's land use order in a Type 4 procedure, the Council shall take one of the following actions:
 - A. Continue the matter to a date, time, and location certain. Notice of the date, time, and location certain of the continued matter is not required to be mailed, published or posted, unless the matter is not continued to a date, time, and location certain, in which case notice of the continued matter shall be given.
 - B. Remand the matter back to the Planning Commission, or as appropriate, to the Board of Design Review.
 - C. Approve the proposal, with or without certain changes. If Council approval indicates an intention to adopt one or more ordinances to amend the zone map, text, or both, then the City Attorney shall prepare the ordinance with findings. Ordinances shall thereafter be adopted pursuant to the City Charter. The City Council shall adopt or approve written findings which demonstrate that adoption will comply with applicable approval criteria.
 - D. Reject the proposed ordinance.
 - E. The City Council shall adopt or approve written findings which demonstrate that adoption of the proposed ordinance will or will not comply with applicable approval criteria.
13. Not more than five (5) calendar days after the date of the adoption or rejection of an ordinance, the Director shall mail or otherwise submit notice to the Department of Land Conservation and Development (DLCD) on DLCD forms provided for such notice.

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14. Not more than seven (7) calendar days after the date of the adoption or rejection of an ordinance, the Director shall mail or otherwise submit notice to persons who testified orally or in writing to the Planning Commission, Board of Design Review, or City Council while the public record was open regarding the proposed ordinance. The notice shall include at least the following information:
 - A. A brief summary of the ordinance.
 - B. The date of the decision on the ordinance.
 - C. The place where and the time when the ordinance and related findings may be reviewed.
 - D. A summary of the requirements for appealing the City decision on the ordinance under ORS 197.830 to 197.845.

50.53. Expedited Land Division

An application for and any appeal of an expedited land division shall be subject to the process provisions in ORS 197.360 through ORS 197.380.

50.55. Conduct of Planning Commission and Board of Design Review Hearing

1. At the beginning of a hearing an announcement shall be made to those in attendance that:
 - A. Lists the applicable approval criteria by Development Code section number and Comprehensive Plan section number.
 - B. Testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the Comprehensive Plan or Development Code which the person believes to apply to the application.
 - C. Failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the decision making authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
 - D. Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.
 - E. The decision making authority must be impartial and that members of the decision making authority shall not have any bias or personal or business interest in the outcome of the application. Prior to the receipt of any testimony, members of the decision making authority must announce any ex parte contacts. The decision making authority shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest, or ex parte contacts.
 - F. States that if any member of the decision making authority has visited the site, they should describe generally what was observed.
 - G. Summarizes the procedure of the hearing.
2. After the announcements described in Section 50.55.1, the Chair shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.

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3. After the presentation of the staff report, the Chair shall call for the applicant's testimony.
4. After the applicant's testimony, the Chair shall call for other evidence or testimony in the following sequence unless the decision making authority consents to amend the sequence of testimony:
 - A. First, evidence or testimony in support of the application.
 - B. Second, evidence or testimony in opposition to the application.
 - C. Finally, evidence or testimony that is neither in support nor in opposition to the application.
5. The Chair shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
6. The Chair shall offer staff an opportunity to make final comments and answer questions.
7. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763 (6) shall apply under this Code in a manner consistent with state law.

50.57. Time Limits on Planning Commission and Board of Design Review Hearing Testimony

1. The purpose of time limits on testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony while at the same time ensuring that hearings conducted by the Planning Commission and the Board of Design Review are conducted in an efficient and expeditious manner. Time limits on testimony shall not be placed on staff presentations. The following time limits on testimony shall be observed during a hearing conducted by the decision making authority unless the decision making authority consents to adjust the time limits in a particular instance:
 - A. Up to and including 20 minutes for the applicant's presentation.
 - B. Up to and including 10 minutes for a representative of a recognized NAC, government or government agency, or other organized group recognized by the Planning Commission or Board of Design Review.
 - C. Up to and including 5 minutes each for other persons.
 - D. Up to and including 5 minutes for rebuttal.
2. The time limits set forth in Section 50.57.1 shall not include time taken by questions from or response to questions of the decision making authority.

50.58. Testimony, Exhibits, and Other Evidence before the Planning Commission and Board of Design Review.

1. Any person may present evidence at hearing before the decision making authority on a Type 3 or Type 4 proposal.
2. Any person may submit exhibits or written comments prior to the hearing. All submittals which are more than two (2) letter sized pages must include no fewer than ten (10) complete copies of the materials being submitted. Written comments or exhibits submitted prior to the hearing to be submitted by staff at the hearing must be received by the Director no later than 4:30 p.m. on the day of the scheduled hearing.
3. In order to be made part of the record, written comments or exhibits submitted at the hearing must be filed with the recording secretary and offered to the decision making authority as part of the record. No fewer than ten (10) copies of written comments or exhibits must be provided if those materials are submitted at the hearing.
4. Exhibits or written comments that are merely referred to in testimony but which are not offered to the decision making authority as part of the record in accordance with this Section shall not become part of the record of the proceedings.

50.60. Appeal of a Type 1 Decision

1. The decision making authority's decision on a Type 1 application may be appealed only by the applicant. The appeal must be on an Appeal Form provided by the Director and must be received by the Community Development Department within twelve (12) calendar days after signed written notice of the decision was dated and mailed. [ORD 4312; June 2004]
2. Within seven (7) calendar days after an appeal has been filed, the Director shall determine whether it contains at least the following information:
 - A. The case file number designated by the City,
 - B. The name and signature of the applicant as appellant.
 - C. Specification of evidence or written testimony provided with the application to which the decision under appeal is contrary.
 - D. The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to prove the error.
 - E. The appeal fee, as established by resolution of the City Council.
3. Failure to comply with the requirements of Sections 50.60.1 and 50.60.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.
4. The appellate decision making authority on appeal of Type 1 decisions shall be the Planning Commission or Board of Design Review. The Director shall determine the appropriate appellate decision making authority for Type 1 decision appeals based upon the nature and characteristics of the proposal under appeal and any associated application. The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Section 50.80 through 50.83. The decision of the designated appellate decision making authority for appeals of Type 1 decisions shall be the final decision and shall not be subject to further appealed to the City Council.

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5. For appeals of Type 1 decisions filed under Section 50.60, the Director shall mail written notice of an appeal hearing to the appellant not less than twenty (20) calendar days prior to the appeal hearing, but need not post or publish the notice in a newspaper.
6. Not less than seven (7) calendar days before the date of the appeal hearing, the Director shall prepare and make available to the public, for review and inspection, a copy of the staff report regarding the appeal and shall provide a copy of the staff report and recommendation to the appellate decision making authority and to the appellant. The Director shall provide a copy of the staff report to the public at reasonable cost upon request.
7. Appeal hearings before the Planning Commission or Board of Design Review shall be conducted in accordance with Section 50.80 through 50.83 of this Code. Appeal hearings shall be recorded on audio only or audio and video tape.
8. At the conclusion of the hearing on the appeal, the appellate decision making authority shall take one of the following actions:
 - A. Continue the hearing to a date, time, and location certain, which shall be announced by the Chair. Notice of the date, time, and location certain of the continued hearing is not required to be mailed, published, or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
 - B. Reverse or affirm the decision under appeal, with or without conditions or changes.
 1. If the decision making authority takes action pursuant to Section 50.60.8.B, the decision making authority shall announce a brief summary of the basis for the decision, and that a land use order will be issued as provided in Section 50.60.9; provided, the proceedings may be continued for the purpose of considering such land use order without taking new testimony or evidence.

50.60.8.B.

2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763 (6) shall apply under this Ordinance in a manner consistent with state law.
9. After the public record on the appeal closes, a written decision in the form of a land use order regarding the application shall be prepared and contain the following:
 - A. A statement of the facts that the appellate decision making authority has relied on which demonstrate the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal.
 - B. A statement of conclusions based on the findings.
 - C. If the appellate decision making authority changes conditions of approval, changes denial to approval, changes denial to approval subject to conditions, or changes approval to denial, the order shall include findings explaining the basis for such change and condition.
10. Within approximately seven (7) calendar days from the date that the appellate decision making authority adopts a land use order, the Director shall cause the order to be signed, dated, and mailed to the appellant and other persons who appeared orally or in writing before the public record closed.
11. A decision on an appeal is final on the date the signed land use order is dated and mailed.
12. Only one appeal of a Type 1 decision is permitted before the City. Therefore, the notice of a Type 1 decision on appeal shall indicate the decision may be appealed to the Land Use Board of Appeals as provided in ORS 197.805 through ORS 197.860.

50.60.

13. If a decision of the appellate decision making authority is remanded to the City by the State of Oregon Land Use Board of Appeals (LUBA), the appellate decision making authority shall either:
 - A. Hold a hearing on the issue upon which LUBA remanded the decision without opening the record for additional evidence. Notice of the hearing on remand shall be given to all persons who testified either orally or in writing before the appellate decision making authority at the hearing that led to the decision remanded by LUBA. The notice shall set forth issues on remand that will be considered by the appellate decision making authority. Testimony shall be allowed at the hearing before the appellate decision making authority, except that testimony shall be limited to the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the appellate decision making authority based its decision regarding an issue or issues not remanded, testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the appellate decision making authority shall render a written decision; or
 - B. Hold a hearing on the issue upon which LUBA remanded the decision and open the record for additional evidence. Notice of the hearing on remand shall be given in the same manner in which the original hearing notice was provided. The notice shall list the applicable approval criteria and state that testimony will be limited to the criteria or the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the appellate decision making authority based its decision regarding an issue or issues not remanded, the notice shall list the applicable approval criteria and state that testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the appellate decision making authority shall render a written decision. A decision of the appellate decision making authority on remand may be appealed to LUBA.

50.65. Appeal of a Type 2 Decision

1. The decision making authority's decision on a Type 2 application may be appealed only by the applicant or by any other person who submitted written evidence prior to the decision of the Director. The appeal must be on an Appeal Form provide by the Director and must be received within twelve (12) calendar days after written notice of the decision was dated and mailed. [ORD 4312; June 2004]
2. Within seven (7) calendar days after an appeal has been filed, the Director shall determine whether an appeal contains at least the following information:
 - A. The case file number designated by the City.
 - B. The name and signature of each appellant.
 - C. Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
 - D. If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
 - E. The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
 - F. The appeal fee, as established by resolution of the City Council.
3. Failure to comply with the requirements of Sections 50.65.1 and 50.65.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.

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4. Except for the appeals of Director's Interpretation (Section 40.25), the appellate decision making authority on appeal of Type 2 decisions shall be the Planning Commission or Board of Design Review. The Director shall determine the appropriate appellate decision making authority for Type 2 decision appeals based upon the nature and characteristics of the proposal under appeal and any associated application. The appeal hearing for Type 2 decisions shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Section 50.80 through 50.83. The decision of the designated appellate decision making authority for appeal of Type 2 decisions shall be the final decision and shall not be subject to further appeal to the City Council.
5. The appellate decision making authority for Director's Interpretation (Section 40.25) shall be the City Council. The appeal hearing for Director's Interpretation shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in accordance with Section 50.85 through 50.88 except as otherwise required by statute.
6. For appeals of Type 2 decisions filed under Section 50.65, the Director shall mail written notice of an appeal hearing to parties listed in Section 50.65.1 not less than twenty (20) calendar days prior to the appeal hearing, but need not post or publish the notice in a newspaper.
7. Not less than seven (7) calendar days before the date of the appeal hearing, the Director shall prepare and make available to the public, for review and inspection, a copy of the staff report and shall provide a copy of the staff report to the appellate decision making authority and to the appellant. The Director shall provide a copy of the staff report to members of the public at reasonable cost upon request.
8. Appeal hearings before the Planning Commission or Board of Design Review shall be conducted in accordance with Section 50.80 through 50.83 of this Code. Appeal hearings shall be recorded on audio only or audio and video tape.

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9. At the conclusion of the hearing on the appeal, the appellate decision making authority shall take one of the following actions:
 - A. Continue the hearing to a date, time, and location certain, which shall be announced by the Chair. Notice of the date, time, and location certain of the continued hearing is not required to be mailed, published, or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
 - B. Reverse or affirm the decision under appeal, with or without conditions or changes.
 1. If the decision making authority takes action pursuant to Section 50.65.9.B, the decision making authority shall announce a brief summary of the basis for the decision, and that a land use order will be issued as provided in Section 50.65.10; provided, the proceedings may be continued for the purpose of considering such land use order without taking new testimony or evidence.
 2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763 (6) shall apply under this Ordinance in a manner consistent with state law.
10. After the public record on the appeal closes, a written decision in the form of a land use order regarding the application shall be prepared and contain, at a minimum, the following:
 - A. A statement of the facts that the appellate decision making authority has relied on which demonstrate the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal.
 - B. A statement of conclusions based on the findings.
 - C. If the appellate decision making authority changes conditions of approval, changes denial to approval, changes denial to approval subject to conditions, or changes approval to denial, the order shall include findings explaining the basis for such change and condition.

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11. Within approximately seven (7) calendar days from the date that the appellate decision making authority adopts a land use order, the Director shall cause the order to be signed, dated, and mailed to the appellant and other persons who appeared orally or in writing before the public record closed.
12. A decision on an appeal is final on the date the signed land use order is dated and mailed.
13. Only one appeal of a Type 2 decision is permitted before the City. Therefore the notice of a Type 2 decision on appeal shall indicate the decision may be appealed to the Land Use Board of Appeals as provided in ORS 197.805 through ORS 197.860.
14. If a decision of the appellate decision making authority is remanded to the City by the State of Oregon Land Use Board of Appeals (LUBA), the appellate decision making authority shall either:
 - A. Hold a hearing on the issue upon which LUBA remanded the decision without opening the record for additional evidence. Notice thereof shall be given to all persons who testified either orally or in writing before the appellate decision making authority at the hearing that led to the decision remanded by LUBA. The notice shall set forth issues on remand that will be considered by the appellate decision making authority. Testimony shall be allowed at the hearing before the appellate decision making authority, except that testimony shall be limited to the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the appellate decision making authority based its decision regarding an issue or issues not remanded, testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the appellate decision making authority shall render a written decision; or

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- B. Hold a hearing on the issue upon which LUBA remanded the decision and open the record for additional evidence. Notice of the hearing on remand shall be given in the same manner in which the appeal hearing notice was provided. The notice shall list the applicable approval criteria and state that testimony will be limited to the criteria or the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the appellate decision making authority based its decision regarding an issue or issues not remanded, the notice shall list the applicable approval criteria and state that testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the appellate decision making authority shall render a written decision.

50.70. Appeal of a Type 3 Decision

1. The decision making authority's decision on a Type 3 application may be appealed only by the applicant or any other person who participated by providing either oral or written evidence on the record leading to the decision by the decision making authority. The appeal must be on an Appeal Form provided by the Director and must be received within ten (10) calendar days after the signed written land use order of the decision making authority was dated and mailed. [ORD 4312; June 2004]
2. Within seven (7) calendar days after an appeal has been filed, the Director shall determine whether an appeal contains at least the following information:
 - A. The case file number designated by the City.
 - B. The name and signature of each appellant.
 - C. Reference to the oral or written evidence provided to the decision making authority by the appellant that is contrary to the decision.
 - D. If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
 - E. The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
 - F. The appeal fee, as established by resolution of the City Council.
3. Failure to comply with the requirements of Sections 50.70.1 and 50.70.2 is jurisdictional and deprives the City Council of authority to consider the appellant's submittal and the appellant of an opportunity for the appellate decision making authority to hear an appeal.

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4. The appellate decision making authority on appeal of Type 3 decisions shall be the City Council. The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both.
5. The record shall consist of the following:
 - A. All staff reports and memoranda prepared regarding the proposal that were presented to the decision making authority.
 - B. All written testimony and all exhibits, maps, documents or other written materials presented to and not rejected by the decision making authority during the proceedings on the proposal.
 - C. The land use order of the decision making authority.
 - D. The minutes of the decision making authority proceedings regarding the proposal.
 - E. The appellant may request, and the City Council may allow, the appeal hearing be conducted on the record established at the decision making authority public hearing. If such a request is made and granted, a transcript of the decision making authority proceedings is required. The appellant shall remit a fee to cover the cost of the transcript of the decision making authority's proceedings within five days after the Planning Director estimates the cost of the transcript. Within ten days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a *de novo* hearing, the transcript fee may be refunded. If the transcription estimate exceeds the transcription cost, the balance shall be refunded to the appellant.
6. The appeal hearing shall be conducted in accordance with Section 50.85 through 50.88 except as otherwise required by statute.
7. For appeals of Type 3 decisions filed under Section 50.70, the City shall mail written notice of an appeal hearing to parties described in Section 50.45.2 not less than ten (10) calendar days prior to the appeal hearing, but need not post or publish the notice in a newspaper.

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8. Not less than seven (7) calendar days before the date of the appeal hearing, the Director shall prepare and make available to the public, for review and inspection, a copy of the staff report and shall provide a copy of the staff report to the appellate decision making authority and to the appellant. The Director shall provide a copy of the staff report to members of the public at reasonable cost upon request.
9. At the conclusion of the hearing on the appeal, the appellate decision making authority shall take one of the following actions:
 - A. Continue the hearing to a date, time, and location certain, which shall be announced by the Chair. Notice of the date, time, and location certain of the continued hearing is not required to be mailed, published, or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
 - B. Reverse or affirm the decision under appeal, with or without conditions or changes.
 1. If the decision making authority takes action pursuant to Section 50.70.9.B, the decision making authority shall announce a brief summary of the basis for the decision, and that a land use order will be issued as provided in Section 50.70.10; provided, the proceedings may be continued for the purpose of considering such land use order without taking new testimony or evidence.
 2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763 (6) shall apply under this Ordinance in a manner consistent with state law.
 - C. Remand the decision to the decision making authority for further proceedings consistent with the decision on appeal provided that the appellate decision making authority first determines whether the remand would conflict with the City's obligation under ORS 227.178 to issue a timely final decision. If the decision is to remand, the purpose of the remand, including any specific procedures or subjects to be addressed shall be directed to the decision making authority.

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10. After the public record on the appeal closes, a written decision in the form of a land use order regarding the application shall be prepared and contain the following:
 - A. A statement of the facts that the appellate decision making authority finds show the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal.
 - B. A statement of conclusions based on the findings.
 - C. If the appellate decision making authority changes conditions of approval, changes denial to approval, changes denial to approval subject to conditions, or changes approval to denial, the order shall include findings explaining the basis for such change and condition.
11. Within approximately ten (10) calendar days from the date that the appellate decision making authority votes on the motion regarding the appeal, the Director shall cause a land use order to be signed, dated, and mailed to the appellant and other persons who appeared orally or in writing before the Planning Commission, Board of Design Review, City Council, or all while the public record on the appeal was open. [ORD 4312; June 2004]
12. A decision on an appeal is final on the date the signed land use order is dated and mailed. A land use order may consist of an ordinance where appropriate. The Mayor or designee shall sign the land use order.
13. If a decision of the City Council is remanded to the City by the State of Oregon Land Use Board of Appeals (LUBA), the City Council shall either:

50.70.13.

- A. Hold a hearing on remand if the issue upon which LUBA remanded the decision can be resolved by the City Council without reopening the record for additional evidence. Notice thereof shall be given to all persons who testified either orally or in writing before the City Council at the hearing or hearings that led to the decision remanded by LUBA. The notice shall set forth issues on remand that will be considered by the City Council. Testimony shall be allowed at the hearing before the City Council, except that testimony shall be limited to the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the City Council based its decision regarding an issue or issues not remanded, testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the City Council shall render a written decision; or
- B. Remand the application, ordinance, or both to the decision making authority if the issue upon which LUBA remanded the decision requires reopening the record for additional evidence. Notice of the hearing on remand shall be given in the same manner in which the initial public hearing notice was provided. The notice shall list the applicable approval criteria and state that testimony will be limited to the criteria or the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the City Council based its decision regarding an issue or issues not remanded, the notice shall list the applicable approval criteria and state that testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the decision making authority shall render a written decision. A decision of the decision making authority on remand may be appealed to the City Council pursuant to Section 50.70.

50.75. Appeal of a Type 4 Decision

1. The decision making authority's recommendation on a Type 4 application may be appealed only by the applicant or any other person who participated by providing either oral or written evidence leading to the decision of the decision making authority. The appeal must be received within ten (10) calendar days after the signed written land use order of the decision making authority was dated and mailed.
2. The Director shall determine whether an appeal contains at least the following information:
 - A. The case file number designated by the City.
 - B. The name and signature of each appellant.
 - C. Reference to the oral or written evidence provided to the decision making authority by the appellant that is contrary to the decision.
 - D. If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
 - E. The specific approval criteria, condition, or both being appealed, the reasons why the finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
 - F. The appeal fee, as established by resolution of the City Council.
3. Failure to comply with the requirements of Sections 50.75.1 and 50.75.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.

50.75.

4. The appellate decision making authority on appeal of Type 4 decision shall be the City Council. The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Section 50.85 through 50.88 except as otherwise required by statute.
5. For appeals filed under Section 50.75, the City shall mail written notice of an appeal hearing to parties described in Section 50.75.1 not less than twenty (20) calendar days prior to the appeal hearing, but need not post or publish the notice in a newspaper.
6. Not less than seven (7) calendar days before the date of the appeal hearing, the Director shall prepare and make available to the public, for review and inspection, a copy of the staff report and shall provide a copy of the staff report to the appellate decision making authority and to the appellant. The Director shall provide a copy of the staff report to the public at reasonable cost upon request.
7. At the conclusion of the City Council hearing in the appeal of a Type 4 decision, the Council shall take one of the following actions:
 - A. Continue the hearing to a date, time, and location certain, which shall be announced by the Mayor. Notice of the date, time, and location certain of the continued hearing is not required to be mailed, published, or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
 - B. Remand the decision to the decision making authority for further proceedings consistent with the Council's decision unless the remand would conflict with the City's obligation under ORS 227.178 to issue a timely final decision. If the decision is to remand, the purpose of the remand, including any specific procedures or subjects to be addressed shall be directed to the decision making authority.
 - C. Reverse or affirm the decision being appealed, with or without changes.

50.75.7.C.

1. If Council indicates an intention to adopt one or more ordinances to amend the zone map, text, or both pursuant to Section 50.75.7.C, then the City Attorney shall prepare the ordinance. Ordinances shall thereafter be adopted pursuant to the City Charter. The City Council shall adopt or approve written findings which demonstrate either that approval will comply with applicable approval criteria or that in the case of denial, the approval criteria gave not been satisfied.
2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763 (6) shall apply under this Ordinance in a manner consistent with state law.
8. After the public record on the appeal closes, a written decision in the form of a land use order.
9. Within approximately seven (7) calendar days from the date that the appellate decision making authority adopts a final decision under appeal, the Director shall cause a land use order to be signed, dated, and mailed to the appellant and other persons who appeared orally or in writing before the Planning Commission, Board of Design Review, City Council, or all while the public record on the appeal was open.
10. A decision on an appeal is final on the date the signed land use order is dated and mailed. A land use order may include an ordinance.
11. Only one appeal of a decision is permitted before the City. Therefore the notice of a decision on appeal shall indicate the decision may be appealed to the Land Use Board of Appeals as provided in ORS 197.805 through ORS 197.860.
12. If a decision of the City Council is remanded to the City by the State of Oregon Land Use Board of Appeals (LUBA), the City Council shall either:

50.75.12.

- A. Hold a hearing on remand if the issue upon which LUBA remanded the decision can be resolved by the City Council without reopening the record for additional evidence. Notice thereof shall be given to all persons who testified either orally or in writing before the City Council at the hearing or hearings that led to the decision remanded by LUBA. The notice shall set forth issues on remand that will be considered by the City Council. Testimony shall be allowed at the hearing before the City Council, except that testimony shall be limited to the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the City Council based its decision regarding an issue or issues not remanded, testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the City Council shall render a written decision; or
- B. Remand the application, ordinance, or both to the decision making authority if the issue upon which LUBA remanded the decision requires reopening the record for additional evidence. Notice of the hearing on remand shall be given in the same manner in which the initial public hearing notice was provided. The notice shall list the applicable approval criteria and state that testimony will be limited to the criteria or the issues upon which LUBA remanded the decision to the City. If the application on remand is amended in a manner which changes the applicable criteria or the factual basis on which LUBA or the City Council based its decision regarding an issue or issues not remanded, the notice shall list the applicable approval criteria and state that testimony may be provided on the full scope of the amended application. At the conclusion of the hearing, the decision making authority shall render a written decision. A decision of the decision making authority on remand may be appealed to the City Council pursuant to Section 50.75.

50.80. Conduct of Planning Commission or Board of Design Review Appeal Hearing

1. The Planning Commission and the Board of Design Review shall conduct appeal hearings pursuant to the requirements of this Section.
2. At the beginning of the appeal hearing, an announcement shall be made to those in attendance that:
 - A. States the general nature of the appeal.
 - B. Lists the applicable approval criteria.
 - C. Testimony, arguments, and evidence must be directed toward the applicable criteria or other criteria in the Comprehensive Plan or Development Code which the person believes to apply to the decision.
 - D. Failure to raise an issue accompanied by statements or evidence sufficient to afford the appellate decision making authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
 - E. Failure of the applicant, applicant as appellant, or appellant to raise constitutional or other issues relating to the proposed condition of approval with sufficient specificity to allow the City or its designee to respond to the issue precludes an action for damages in circuit court.
 - F. The appellate decision making authority must be impartial and that members of the appellate decision making authority shall not have any bias or personal or business interest in the outcome of the application. Members of the appellate decision making authority must announce any ex parte contacts. The appellate decision making authority shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest, or ex parte contacts.
 - G. States that if any member of the appellate decision making authority has visited the site, they describe generally what was observed.
 - H. Summarize the procedure of the hearing.

50.80.

3. The Chair shall next ask if there is any challenge to a member of the appellate decision making authority right to consider the appeal. Unless the challenge is based upon information disclosed pursuant to Section 50.80.2.F. and G, a challenging party must deliver a written document stating the reasons and authority for such challenge to the member challenged and the City at least 24 hours prior to the hearing.
4. After the announcements and statements of Sections 50.80.2 and 50.80.3 are concluded, the Chair shall call for presentation of the staff report. Staff shall describe the proposal and explain the reasons behind the Director's decision.
5. The Chair shall invite testimony on the appeal to take place in the following order unless the appellate decision making authority consents to amend the order of testimony:
 - A. The applicant, if not the appellant.
 - B. The applicant as appellant.
 - C. The appellant, if not the applicant.
 - D. Testimony in support of the appeal.
 - E. Testimony in opposition to the appeal.
 - F. Testimony that is neither in support nor in opposition to the appeal.
 - G. Rebuttal testimony by the appellant, if the appellant is the applicant. The appellant's rebuttal is limited to responding to testimony previously submitted and shall be based solely on the evidence in the record.
6. The Chair shall allow for final comments from staff.
7. The appellate decision making authority shall deliberate and make a decision. Deliberations may include questions to or testimony by City staff regarding the criteria, evidence and testimony in the record.

50.82. Time Limits on Planning Commission or Board of Design Review Appeal Hearing Testimony

1. The purpose of time limits on testimony at an appeal hearing before the Planning Commission or Board of Design Review is to provide all interested persons with an adequate opportunity to present and respond to testimony while at the same time ensuring that the hearing can be conducted in an efficient and expeditious manner. Time limits on testimony shall not be placed on staff presentations. The following time limits on testimony shall be observed during a hearing conducted by the appellate decision making authority unless the appellate decision making authority consents to adjust the time limits in a particular instance:
 - A. Up to and including 20 minutes for the applicant, if not the appellant, or the applicant as appellant's presentation.
 - B. Up to and including 20 minutes for the appellant's, if not the applicant, presentation.
 - C. Up to and including 10 minutes for a representative of a recognized NAC, government or government agency, or other organized group recognized by the appellate decision making authority.
 - D. Up to and including 5 minutes each for other persons.
 - E. Up to and including 5 minutes of rebuttal for the applicant, if not the appellant, or the appellant who is the applicant.
2. The time limits set forth in Section 50.82.1 shall not include time taken by questions from or response to questions of the appellate decision making authority.

50.83. Testimony, Exhibits, and Other Evidence before the Planning Commission and Board of Design Review.

1. Any person may present testimony at a hearing before the appellate decision making authority on an appeal of a Type 1 or Type 2 decision.
2. Any person may submit exhibits or written comments prior to the hearing. All submittals shall be made on 8 ½ by 11 inch standard bond paper. All submittals which are more than two (2) letter sized pages must include of no fewer than ten (10) complete copies of the materials being submitted. Written comments or exhibits submitted prior to the hearing to be submitted by staff at the hearing must be received by the Director no later than 4:30 p.m. on the day of the scheduled hearing.[ORD 4397; June 2006]
3. Written comments or exhibits submitted at the hearing must be filed with the recording secretary and offered into the record before the appellate decision making authority. No fewer than ten (10) copies of written comments or exhibits must be provided if those materials are submitted at the hearing.
4. Exhibits or written comments that are merely referred to in testimony but which are not offered into the record before the appellate decision making authority in accordance with this Section shall not become part of the record of the proceedings.

Conduct of City Council Appeal Hearing

50.85. Conduct of the City Council Appeal Hearing

1. The City Council shall conduct a hearing on appeal pursuant to the requirements of this Section and the Municipal Code except as otherwise required by statute. At the beginning of the appeal hearing, the Chair shall make an announcement to those in attendance that:
 - A. States the general nature of the appeal.
 - B. Lists the applicable approval criteria.
 - C. Testimony, arguments, and evidence must be directed toward the applicable approval criteria or other criteria in the Comprehensive Plan or Development Code which the person believes to apply to the decision.
 - D. Failure to raise an issue accompanied by statements or evidence sufficient to afford the appellate decision making authority and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
 - E. Failure of the applicant to raise constitutional or other issues relating to the proposed condition of approval with sufficient specificity to allow the City or its designee to respond to the issue precludes an action for damages in circuit court.
 - F. The appellate decision making authority must be impartial and that members of the appellate decision making authority shall not have any bias or personal or business interest in the outcome of the application. Members of the appellate decision making authority must announce any ex parte contacts. The appellate decision making authority shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest, or ex parte contacts.
 - G. States that if any member of the appellate decision making authority has visited the site, they describe generally what was observed.
 - H. Summarizes the procedure of the hearing.

Conduct of City Council Appeal Hearing

50.85.

2. The Chair shall next ask if there is any challenge to the Mayor's or a Councilor's right to consider the appeal. Unless the challenge is based upon information revealed pursuant to Section 50.85.1.F and G, a challenging party must deliver a written document at least 24 hours prior to the hearing setting forth the reasons and authority for such challenge to the member challenged and the Mayor.
3. After the announcements and statements of Sections 50.85.1 and 2 are made, the Chair shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
4. If the appeal hearing for a Type 3 decision is an *on the record* hearing, the Chair shall state that City Council review is confined to the record established before the decision making authority, that only persons who testified either orally or in writing before the decision making authority may testify before the City Council, and that the only arguments that may be raised before the City Council are arguments that were raised in the letter of appeal and those arguments raised before the decision making authority with sufficient specificity to enable the decision making authority to respond.
5. If the appeal hearing is to consider an appeal of a Type 4 decision, the Chair shall state that City Council review is not confined to the arguments that were raised in the letter of appeal.
6. The Chair shall invite testimony on the appeal to take place in the following order unless the appellate decision making authority consents to amend the order of testimony:
 - A. The applicant, if not the appellant.
 - B. The appellant, if not the applicant.
 - C. Testimony in support of the appeal.
 - D. Testimony in opposition to the appeal.
 - F. Testimony that is neither in support nor in opposition to the appeal.

50.85.6.

- G. Rebuttal testimony by the appellant, if the appellant is the applicant. The appellant's rebuttal is limited to responding to testimony previously submitted and shall be based solely on the evidence in the record.
- 7. The Chair shall allow final comments from staff.
- 8. The Council shall deliberate and make a decision. The Council deliberations may include questions to or testimony by City staff regarding the criteria, evidence and testimony in the record.

50.87. Time Limits on City Council Appeal Hearing Testimony.

1. The purpose of time limits on testimony at an appeal hearing before the City Council is to provide persons with an adequate opportunity to present and respond to testimony while at the same time ensuring that the hearing can be conducted in an efficient and expeditious manner. Time limits on testimony shall not be placed on staff presentations. The following time limits on testimony shall be observed during a hearing conducted by the appellate decision making authority unless the appellate decision making authority, subject to the right of the Mayor, with Council consent, waive or extend the time limits in a particular instance:
 - A. Up to and including 15 minutes for the applicant, if not the appellant, or applicant as appellant's presentation.
 - B. Up to and including 15 minutes for the appellant's presentation, if not the applicant.
 - C. Up to and including 10 minutes for a representative of a recognized NAC, homeowner association, government or government agency, or other organized group recognized by the City Council.
 - D. Up to and including 5 minutes each for other persons.
 - E. Up to and including 5 minutes of rebuttal for the applicant, if not the appellant, or the appellant who is the applicant.
2. The time limits set forth in Section 50.87.1 shall not include time taken up by questions from Council or responses thereto.

50.88. Testimony, Exhibits, and Other Evidence before the City Council.

1. For appeal hearings which are conducted on the record, only those persons who testified either orally or in writing before the decision making authority may testify either orally or in writing before the Council on appeal. Such testimony shall be limited to argument regarding issues raised before the decision making authority. The only issues that may be raised in an appeal hearing are the issues in the written appeal and shall be based solely upon the record of the proceedings before the decision making authority. Enlargements, illustrations, maps or other exhibits may be submitted as long as they are part of the record or are entirely derived from evidence in the record.
2. For appeal hearings which are conducted *de novo*, any interested person may testify either orally or in writing before the Council on appeal. Such testimony shall be limited to addressing the applicable approval criteria or other criteria in the Comprehensive Plan or Development Code which the person believes to apply to the decision.
3. Subject to the limitations in Sections 50.88.1 and 50.88.2, written testimony may be submitted prior to the hearing. All submittals which are more than two (2) letter sized pages must include no fewer than ten (10) complete copies of the materials being submitted. Written testimony submitted prior to the hearing must be received by the City Recorder by 5:00 p.m. on the day of the scheduled hearing.
4. Subject to the limitations in Sections 50.88.1 and 50.88.2, written testimony submitted at the hearing must be filed with the recording secretary and offered into the record before the City Council. No fewer than ten (10) copies of written comments or exhibits must be provided if those materials are submitted at the hearing.
5. Written evidence that is merely referred to in testimony but which is not provided to the City Council pursuant to this section shall not become part of the record of the proceedings.
6. At appeal hearings which are conducted on the record, written material that attempts to present new evidence or raises new issues which were not presented or raised before the decision making authority shall be rejected.

50.89. Withdrawal of an Appeal.

1. Before the close of an appeal hearing in front of any appellate decision making authority, any appellant may withdraw his appeal.
2. Withdrawal of an appeal is subject to the following:
 - A. The party may withdraw the appeal on its own motion, which may be submitted to the appellate decision making authority orally or in writing.
 - B. No part of the appeal fee will be refunded.
 - C. No one may re-file a withdrawn appeal.
 - D. Where multiple people or parties sign and file a single appeal document, all must consent to the withdrawal of the appeal.
3. In addition to all the requirements of Section 50.89.1 and 2, if all appeals in a matter are withdrawn, the appellate decision making authority loses jurisdiction over the action. The underlying decision is automatically re-instated under its original date of final decision.

50.90. Expiration of a Decision

1. Except as otherwise specifically provided in a specific decision or in this Code, a final decision made pursuant to this Chapter shall expire automatically on the following schedule unless the approval is enacted either through construction or establishment of use within the specified time period.
 - A. Five (5) years from the effective date of decision: Final Planned Unit Development (40.15.15.6) where phasing of the development is proposed.
 - B. Two (2) years from the effective date of decision:
 - Accessory Dwelling Unit (40.05.15.1)
 - Administrative Conditional Use (40.15.15.3)
 - Alteration of a Landmark (40.35.15.1)
 - Commercial Timber Harvest (40.90.15.4)
 - Conditional Use (40.15.15.4)
 - Demolition of a Landmark (40.35.15.3)
 - Design Review Two (40.20.15.2)
 - Design Review Three (40.20.15.3)
 - Emergency Demolition of a Landmark (40.35.15.2)
 - Expedited Land Division (40.45.15.7)
 - Final Land Division (40.45.15.6)
 - Final Planned Unit Development (40.15.15.6) when there is no phasing to the development
 - Flexible Setback for Individual Lot With Endorsement (40.30.15.1)
 - Flexible Setback for Individual Lot Without Endorsement (40.30.15.2)
 - Flexible Setback for a Proposed Residential Land Division (40.30.15.3)
 - Flexible Setback for a Proposed Annexation (40.30.15.4)
 - Lot Line Adjustment (40.45.15.1)
 - Major Adjustment (40.10.15.3)
 - Major Modification of a Conditional Use (40.15.15.2)
 - Minor Adjustment (40.10.15.1)
 - Minor Modification of a Conditional Use (40.15.15.1)
 - New Construction in a Historic District (40.35.15.4)
 - Preliminary Fee Ownership Partition (40.45.15.4)
 - Preliminary Fee Ownership Subdivision (40.45.15.5)
 - Preliminary Partition (40.45.15.2)
 - Preliminary Planned Unit Development (40.15.15.5)

50.90.1.B.

Preliminary Subdivision (40.45.15.3)
Public Transportation Facility (40.57.15.1)
Tree Plan One (40.90.15.1)
Tree Plan Two (40.90.15.2)
Tree Plan Three (40.90.15.3)
THPRD Annexation Waiver (40.93.15)
Variance (40.95.15.1)
Wireless Facility One (40.96.15.1)
Wireless Facility Two (40.96.15.2)
Wireless Facility Three (40.96.15.3)
Zero Side or Zero Rear Yard Setback for a Proposed Residential Land Division (40.30.15.5)
Zero Side Yard Setback for a Proposed Non-Residential Land Division (40.30.15.6)

C. One (1) year from the effective date of the decision:

Design Review Compliance Letter (40.20.15.1)
Home Occupation One (Section 40.40.15.1)
Home Occupation Two (Section 40.40.15.2)
Loading Determination (Section 40.50.15.1)
Parking Requirement Determination (Section 40.55.15.1)
Shared Parking (Section 40.55.15.2)
Signs (Section 40.60.15.1)
Solar Access (Section 40.65.15.1)
Use of Excess Parking (Section 40.55.15.3)

D. No expiration date:

Director's Interpretation (40.25.15.1)
Discretionary Annexation Related Zoning Map Amendment (40.97.15.4).
Legislative Zoning Map Amendment (40.97.15.2)
Non-Discretionary Annexation Related Zoning Map Amendment (40.97.15.3)
Quasi-Judicial Zoning Map Amendment (40.97.15.1)
Street Vacation (40.75.15.1)
Text Amendment (40.85.15.1)

[ORD 4265; September 2003] [ORD 4332; November 2004] [ORD 4388; May 2006] [ORD 4397; July 2006]

2. The effective date of the decision for Type 1, Type 2, or Type 3 applications shall be the date that the signed land use order is dated and mailed, unless appealed. If a Type 1, Type 2, or Type 3 application

Expiration of a Decision

is appealed, the effective date of the decision shall be the date of the appellate decision making authority's signed land use order is dated and mailed. The effective date of decision for a Type 4 application is thirty (30) calendar days after the Mayor signs the ordinance, unless an emergency is declared in which case the ordinance is effective immediately upon signature of the Mayor.

3. A decision shall expire according to Section 50.90.1 unless one of the following occurs prior to the date of expiration:
 - A. An application for an extension is filed pursuant to Section 50.93; or
 - B. The development authorized by the decision has commenced as defined herein.
 1. The use of the subject property has changed as allowed by the approval;
 2. In the case of development requiring construction, a construction permit has been issued and substantial construction pursuant thereto has taken place; or
 3. In the case of development authorized to be done in phases, each phase must be commenced within the time specified in the approval, or within two (2) years of completion of the prior phase if no time is specified.
 4. The 45 day to five (5) year time begins from the effective date of the decision. Appeal of a decision to LUBA does not extend the time.

50.93. Extension of a Decision

1. An application to extend the expiration date of a decision made pursuant to this Code may be filed only before the decision expires as provided in Section 50.90 or before the decision expires as provided in the appropriate subsection of the specific application contained in Chapter 40 (Applications).
2. Except for Director's Interpretation (Section 40.25), Home Occupation (Section 40.40), Loading Determination (Section 40.50), Parking Requirement Determination (Section 40.55.15.1), Shared Parking (Section 40.54.15.2), Use of Excess Parking (Section 40.54.15.3), Sign (Section 40.60), Solar Access (Section 40.65), Temporary Mobile Sales (Section 40.80.15.1), Temporary Non-Mobile Sales (Section 40.80.15.2), all Tree Plan (Section 40.90), and all Zoning Map Amendment (Section 40.97) applications, not more than one extension may be granted for a maximum of two (2) years.
3. An application for an extension is subject to a Type 2 procedure.
4. In order to approve an extension of time application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
[ORD 4365; September 2005]
 - A. It is not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.
 - B. There has been no change in circumstances or the applicable regulations or Statutes likely to necessitate modification of the decision or conditions of approval since the effective date of the decision for which the extension is sought.

50.95. Modification of a Decision

1. An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.
2. An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.
3. An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.
4. Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.
5. An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.
6. The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in Chapter 40. In all cases, regardless of the thresholds listed in Chapter 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:

50.95.6.

- A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of condition to correct the mistake.
- B. The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.
- C. The circumstances have changed to the extent that the condition is no longer needed or warranted.
- D. New or modified condition would better accomplish the purpose of the original condition.

Re-Application or Supplemental
Application After Denial

50.99. Re-Application or Supplemental Application After Denial

1. If an application is denied by the decision making authority and no appeal taken, or upon appeal the appellate decision making authority affirms the denial of the decision making authority or denies the appeal, no new request for the same or substantially similar proposal shall be filed within one year after the date of the final decision subject to pre-application conference, a neighborhood review meeting unless the denial is specifically stated by the decision maker to be without prejudice.
2. Only a person whose application is denied following completion of all local procedures, including local appeals allowed by right, may submit to the City a supplemental application to allow any or all other uses allowed under the existing comprehensive plan map designation for the property, pursuant to ORS 227.184.
 - A. Such an application shall include a request for any zone change, conditional use, or variance that may be required for approval of each proposal.
 - B. Such an application shall be subject to a pre-application conference, a neighborhood review meeting, completeness review, and a Type 3 procedure, provided:
 1. The City shall issue a final decision regarding such an application, including all local appeals, not more than 240 days after the City finds or deems the application to be complete.
 2. The City decision shall include findings describing the reasons for approving or denying a use for which approval is sought under this section and for any zone change or variance requested in the application.
 - C. The fee for an application under this section shall be the sum of the separate fees for each review sought pursuant to the application.

CHAPTER 60 - SPECIAL REQUIREMENTS

60.05 DESIGN REVIEW DESIGN PRINCIPLES, STANDARDS AND GUIDELINES [ORD 4332; November 2004]

60.05.05 Purpose. The following design principles, standards and guidelines shall be met by new development, and redevelopment where applicable, throughout the City in the following zoning districts:

1. Attached residential developments in the R-3.5, R-2 and R-1 zones and in planned unit developments in the R-10, R-7, R-5 and R-4 zones when attached residential developments are proposed,
2. Conditional uses in residential zoning districts where a new building or major remodeling of an existing building is proposed and public parks,
3. Development in multiple-use districts,
4. Commercial office, retail, and service developments, and
5. Industrial developments.

60.05.10. Design Principles. The following design principles are general statements to guide the development of the built environment, the appearance of that development, and the affect of that development to the existing surroundings. The design guidelines and standards implement these principles.

1. **Building Design and Orientation.** Design buildings that enhance the visual character of the community and take into account the surrounding neighborhoods, provide permanence, and create a sense of place. In residential, commercial and multiple-use districts, design buildings that contribute to a safe, high quality pedestrian-oriented streetscape.

60.05.10.

- 2. Multiple Use District Building Orientation and Design.** Locate buildings so they are conveniently and safely accessible from on-site and off-site sidewalks and streets, and so buildings near the edge of a right of way provide a high quality, pedestrian oriented streetscape, contribute to safety by offering “eyes on the street” and promote pedestrian safety and use. Provide a pedestrian-friendly environment through building and site design treatments that may vary in nature and degree depending on the character of the urban area, the characteristics of the street, and the type of use and development proposed.
- 3. Circulation and Parking Design.** Provide integrated multi-modal circulation and parking improvements that are safe and convenient, connect to surrounding neighborhoods and streets, and serve the needs of development.
- 4. Landscape, Open Space, and Natural Areas Design.** Create landscape areas that contribute to the aesthetics of the community, conserve, protect, enhance or restore natural features and the natural environment, provide an attractive setting for buildings, and provide safe, interesting outdoor spaces for residents, customers, employees, and the community. Whenever possible, utilize native vegetative species which are disease and drought tolerant.
- 5. Lighting Design.** Provide exterior lighting for buildings, parking lots, pedestrian pathways, vehicular areas, pedestrian plazas, public open spaces to ensure public safety and convenience, and to minimize excessive illumination on environmentally sensitive areas, adjoining properties, and streets.

60.05.15. Building Design and Orientation Standards. Unless otherwise noted, all standards apply in all zoning districts.

- 1. Building articulation and variety.**
 - A. Residential buildings in residential zones shall be limited in length to two hundred (200) feet.

60.05.15.1.

- B. Buildings visible from and within 200 feet of an adjacent public street except for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts where elevations visible from and within 100 feet of an adjacent public street, and elevations that include a primary building entrance or multiple tenant entrances, excluding roofs, shall have a minimum portion of the elevation devoted to permanent architectural features designed to provide articulation and variety. These permanent features include, but are not limited to windows, bays and offsetting walls that extend at least eighteen inches (18”), recessed entrances, loading doors and bays, and changes in material types. Changes in material types shall have a minimum dimension of two feet and minimum area of 25 square feet. The percentage of the total square footage of elevation area is:
 - 1. Thirty (30) percent in residential zones, and all uses in multiple-use and commercial zones.
 - 2. Fifty (50) percent in commercial zones where glazing is less than thirty five (35) percent pursuant to Section 60.05.15.8.A.3.
 - 3. Fifteen (15) percent in industrial uses.
- C. The maximum spacing between permanent architectural features shall be no more than:
 - 1. Forty (40) feet in residential zones, and all uses in multiple-use, and commercial zones.
 - 2. Sixty (60) feet in industrial zones.

2. Roof forms.

- A. All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.

60.05.15.2.

- B. Sloped roofs on residential uses in residential zones, and all uses in multiple-use and commercial zones, shall have eaves, exclusive of rain gutters, that must project from the building wall at least twelve (12) inches.
 - C. All flat roofs with a slope of less than 4/12 pitch shall be architecturally treated or articulated with a parapet wall that must project vertically above the roof line at least twelve (12) inches.
 - D. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as existing roofs.
 - E. Smaller feature roofs are not subject to the standards of this Section.
- 3. Primary building entrances.** Primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. The covered area providing weather protection shall be at least six (6) feet wide and four (4) feet deep.
- 4. Exterior building materials**
- A. For residential uses in residential districts, a minimum of seventy-five (75) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances shall be double wall construction.

60.05.15.4.

- B. For conditional uses in residential zones and all uses in multiple-use, commercial and industrial zones, except for manufacturing, fabricating, processing, packing, storage and wholesale and distribution facilities which is a principle use of the site in industrial zones, a maximum of thirty (30) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances may be plain, smooth, unfinished concrete, concrete block, plywood and sheet pressboard. In the case of manufacturing, fabricating, processing, packing, storage and wholesale and distribution facilities which is a principle use of the site in industrial zones, this standard shall apply to the primary elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space. The remaining elevation area for all applicable uses in all applicable zones shall be architecturally treated. Appropriate methods of architectural treatment shall include, but are not limited to, scoring, changes in material texture, and the application of other finish materials such as wood, rock, brick or tile wall treatment.
- C. For conditional uses in residential zones and all uses in multiple use and commercial districts, plain, smooth, exposed concrete and concrete block used as foundation material shall not be more than three (3) feet above the finished grade level adjacent to the foundation wall, unless pigmented, textured, or both. In industrial districts, foundations may extend up to four (4) feet above the finished grade level.

5. Roof-mounted equipment.

- A. All roof-mounted equipment shall be screened from view from adjacent streets or adjacent properties in one of the following ways:
 - 1. A parapet wall; or
 - 2. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building; or

60.05.15.5.A.

3. Setback from the street-facing elevation such that it is not visible from the public street(s).

B. The vertical measuring distance for required screening shall be measured at five (5) feet above the finished or existing grade of the abutting property or public right-of-way adjacent to the development site's front yard setback for a distance of one hundred (100) lineal feet measured outward from the development site's front property line. Once the vertical measuring distance is established for the site's front yard, this same vertical measuring distance shall be applied to all sides of the development site's perimeter property lines.

C. Solar panels, dishes/antennas, pipes, vents, and chimneys are exempt from this standard.

6. Building location and orientation along streets in Multiple Use and Commercial zoning districts.

A. Buildings in Multiple Use zones shall occupy a minimum public street frontage as follows:

1. 50 percent of the street frontage where a parcel abuts a Class 1 Major Pedestrian Route.

2. 35 percent of the street frontage where a parcel abuts a Class 2 Major Pedestrian Route.

B. Buildings in Commercial zones shall occupy a minimum of 35 percent public street frontage where a parcel exceeds 60,000 gross square feet. These buildings shall be located no further than 20 feet from the property line. The area between the building and property line shall be landscaped to standards found in Section 60.05.25.3.B or 60.05.25.3.C.

C. Buildings on corner lots of multiple Major Pedestrian Routes shall be located at the intersections of the Major Pedestrian Routes. Where a site has more than one corner on a Major Pedestrian Route, this requirement must be met at only one corner.

60.05.15.6.

- D. All buildings that abut a Class 1 Major Pedestrian Route shall have at least one primary building entrance oriented toward, or with a direct pedestrian connection to an abutting street or pedestrian way. Where there is more than one abutting Class 1 Major Pedestrian Route, the primary entrance shall have a reasonably direct pedestrian connection to a minimum of one abutting Class 1 Major Pedestrian Route or shall be oriented to a Class 1 Major Pedestrian Route corner. Pedestrian connections shall:
 - 1. Be no more than 100 feet long (between the building entrance and street), and
 - 2. Shall not cross vehicular circulation and parking areas.
- E. Secondary entrances may face on streets, off-street parking areas, or landscaped courtyards.

7. Building scale along Major Pedestrian Routes

- A. The height of any portion of a building at the property line as measured from the finished grade at the property line abutting a Major Pedestrian Route shall be a minimum of twenty- two (22) feet and a maximum of sixty (60) feet. The City shall authorize heights greater than sixty (60) feet if the portion of a building that is greater than sixty (60) feet in height is twenty (20) feet from the property line and the proposed height is consistent with Section 20.20.50. for the specific zoning district.
- B. The maximum heights specified in Section 20.20.50 shall not be exceeded, unless separately authorized through an adjustment or variance application.

60.05.15.

8. Ground floor elevations on commercial and multiple use buildings.

- A. Except those used exclusively for residential use, ground floor elevations visible from and within 200 feet of a public street, Major Pedestrian Route, or a public park, public plaza or other public open space, and elevations that include a primary building entrance or multiple tenant entrances, shall have the following minimum percent of the ground floor elevation area permanently treated with windows, display areas or glass doorway openings.
1. Class 1 Major Pedestrian Routes: Fifty (50) percent.
 2. Class 2 Major Pedestrian Routes: Thirty-five (35) percent.
 3. Buildings on parcels in excess of 25,000 gross square feet within a Commercial zoning district: Thirty-five (35) percent.

Less glazing may be provided in a commercial zoning district when increased building articulation and architectural variety is provided pursuant to Section 60.05.15.1.B.2 of this Code.

For the purpose of this standard, ground floor elevation area shall be measured from three (3) feet above grade to ten (10) feet above grade the entire width of the elevation. The ground floor elevation requirements shall be met from grade to twelve (12) feet above grade.

- B. Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk shall provide weather protection to the following minimum percent of the length of the elevation.
1. Class 1 Major Pedestrian Routes: Fifty (50) percent.
 2. Class 2 Major Pedestrian Routes: Thirty-five (35) percent.

60.05.20. Circulation and Parking Design Standards. Unless otherwise noted, all standards apply in all zoning districts.

- 1. Connections to the public street system.** Connections shall be provided between the on-site circulation system and adjacent existing and planned streets as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element.
- 2. Loading areas, solid waste facilities and similar improvements.**
 - A. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, transformer and utility vaults and similar activities shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.
 - B. Except for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, all loading docks and loading zones shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.
 - C. Screening from public view for service areas, loading docks, loading zones and outdoor storage areas, waste storage, disposal facilities, transformer and utility vaults and similar activities shall be fully sight-obscuring, shall be constructed a minimum of one foot higher than the feature to be screened, and shall be accomplished by one or more of the following methods:
 1. Solid screen wall constructed of primary exterior finish materials utilized on primary buildings,
 2. Solid hedge wall with a minimum ninety-five (95) percent opacity within two (2) years.
 3. Solid wood fence
 - D. Screening from public view by chain-link fence with or without slats is prohibited.
 - E. Screening of loading zones may be waived in commercial and multiple-use districts if the applicant demonstrates the type and size of loading vehicles will not detract from the project's aesthetic appearance and the timing of loading will not conflict with the hours or operations of the expected businesses.

60.05.20.

3. Pedestrian circulation.

- A. Pedestrian connections shall be provided that link to adjacent existing and planned pedestrian facilities as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element, and to the abutting public street system and on-site buildings, parking areas, and other facilities where pedestrian access is desired. Pedestrian connections shall be provided except when one or more of the following conditions exist:
1. Where physical or topographic conditions, such as a grade change of ten (10) feet or more at a property line to an adjacent pedestrian facility, make connections impractical,
 2. Where uses including manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts occur,
 3. Where on-site activities such as movement of trucks, forklifts, and other large equipment would present potential conflicts with pedestrians, or
 4. Where buildings or other existing development on adjacent lands physically preclude a connection now or in the future.
- B. A reasonably direct walkway connection is required between primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, and public and private streets, transit stops, and other pedestrian destinations.
- C. A reasonably direct pedestrian walkway into a site shall be provided for every 300 feet of street frontage or for every eight aisles of vehicle parking if parking is located between the building and the street. A reasonably direct walkway shall also be provided to any accessway abutting the site. This standard may be waived when topographic conditions, man-made features, natural areas, etc. preclude walkway extensions to adjacent properties.

60.05.20.3.

- D. Pedestrian connections through parking lots shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of curbs, landscaping, trees, and lighting, if not otherwise provided in the parking lot design.
- E. Where pedestrian connections cross driveways or vehicular access aisles a continuous walkway shall be provided, and shall be composed of a different paving material than the primary on-site paving material.
- F. Pedestrian walkways shall have a minimum of five (5) foot wide unobstructed clearance.
- G. Walkways shall be paved with scored concrete or modular paving materials.
- H. In the event that the Americans with Disabilities Act (ADA) contains stricter standards for any pedestrian walkway, the ADA standards shall apply.

4. Street frontages and parking areas.

- A. Surface parking areas abutting a public street shall provide perimeter parking lot landscaping which meets one of the following standards:
 - 1. A minimum five (5)-foot wide planting strip between the right-of-way and the parking area. Pedestrian walkways and vehicular driveways may cross the planting strip. Trees shall be planted at a minimum 2 1/2 inch caliper at a maximum of thirty (30) feet on center. Planting strips shall be planted with an evergreen hedge that will provide a 30-inch high screen and fifty (50) percent opacity within two years. The maximum height shall be maintained at no more than thirty-six (36) inches. Areas not covered by trees or hedge shall be landscaped with live ground cover. Bumper overhangs which intrude into the planting strip shall not impact required trees or hedge; or

60.05.20.4.A.

2. A solid wall or fence 30 to 36 inches in height parallel to and not nearer than four (4) feet from the right-of-way line. The area between the wall or fence and the street line shall be landscaped with live ground cover. Pedestrian walkways and vehicular driveways may cross the wall or fence.

5. Parking area landscaping.

- A. Landscaped planter islands shall be required according to the following:
 1. Residential uses in residential zones, one for every eight (8) contiguous parking spaces.
 2. All uses in multiple-use and commercial zones, one for every ten (10) contiguous parking spaces.
 3. All conditional uses in residential zones and industrial uses, one for every twelve (12) contiguous parking spaces.
- B. The island shall have a minimum area of 70 square feet, and a minimum width of 6 feet, and shall be curbed to protect landscaping. The landscaped island shall be planted with a tree having a minimum mature height of 20 feet. If a pole-mounted light is proposed to be installed within a landscaped planter island, and an applicant demonstrates that there is a physical conflict for siting the tree and the pole-mounted light together, the decision-making authority may waive the planting of the tree, provided that at least seventy-five (75) percent of the required islands contain trees. Landscaped planter islands shall be evenly spaced throughout the parking area.
- C. Linear raised sidewalks within the parking area connecting the parking spaces and on-site building(s) may be counted towards the total required number of landscaped islands, provided that all of the following is met:
 1. Trees are spaced a maximum of 30 feet on center on a minimum of one side of the sidewalk.
 2. The minimum unobstructed sidewalk width is five feet.
 3. The sidewalk is separated from the parking area by curbs, bollards, or other means on both sides.

60.05.20.5.C.

4. Trees are located in planting area with groundcover or planted in covered tree wells.
 5. Trees within the linear sidewalk area shall constitute no more than 50 percent of the total required number of trees within required landscaped planter islands. All remaining required trees shall be located within landscaped planter islands.
 - D. Trees planted within required landscaped planter islands or the linear sidewalk shall be of a type and species identified by the City of Beaverton Street Tree List or an alternative approved by the City Arborist.
- 6. Off-Street parking frontages in Multiple-Use Districts.** Off-street surface parking areas shall be located to the rear or side of buildings. Surface parking areas located adjacent to public streets are limited to a maximum of:
- A. 50% of the street frontage along Class 1 Major Pedestrian Routes, and
 - B. 65% along Class 2 Major Pedestrian Routes.
- 7. Sidewalks along streets and primary building elevations in Multiple-Use and Commercial Districts.**
- A. A sidewalk is required on all streets. The sidewalk shall be a minimum of ten (10) feet wide, and provide an unobstructed path at least five (5) feet wide.
 - B. A sidewalk is required along building elevations that include a primary building entrance, multiple tenant entrances or display windows. The sidewalk shall be a minimum of ten (10) feet wide, and provide an unobstructed path at least five (5) feet wide at building entrances, and along elevations containing display windows. Sidewalks shall be paved with scored concrete or modular paving materials. If adjacent to parking areas, the sidewalk shall be separated from the parking by a raised curb.

60.05.20.

8. Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts.

A. Parking lot drive aisles that link public streets and/or private streets with parking stalls shall be designed as private streets, unless one of the following is met:

1. The parking lot drive aisle is less than 100 feet long;
2. The parking lot drive aisle serves 2 or less residential units; or
3. The parking lot drive aisle provides direct access to angled or perpendicular parking stalls.

B. Private streets shall meet the following standards:

1. Private streets serving non-residential uses and residential uses having five or more units shall have raised curbs and minimum five (5) foot wide unobstructed sidewalks on both sides.
2. Private streets serving less than five (5) units shall have raised curbs and a minimum five (5) foot wide unobstructed sidewalk on at least one side.

9. Ground floor uses in parking structures. Parking structures located on Major Pedestrian Routes shall incorporate one or more active retail or commercial uses other than parking at ground level along the entire portion of the structure fronting onto such routes. Compliance to this standard is not required when a semi-subterranean parking structure is proposed, provided that the height of such structures, or portions thereof, is not greater than three and one-half (3 1/2) feet above the elevation of the adjoining walkway or sidewalk.

60.05.25. Landscape, Open Space, and Natural Areas Design Standards.
Unless otherwise noted, all standards apply in all zoning districts.

1. Minimum Common Open Space Requirements for Multi-Family Development Consisting of ten (10) or more units.

- A. Common open space shall consist of active, passive, or both open space areas, and shall be provided as follows:
 - 1. One hundred fifty (150) square feet for each unit containing 500 or less square feet of gross floor area.
 - 2. Two hundred fifty (250) square feet for each unit containing more than 500 square feet and up to 1200 square feet of gross floor area.
 - 3. Three hundred fifty (350) square feet for each unit containing more than 1200 square feet of gross floor area.
- B. At least twenty-five (25) percent of the total required open space area shall be active open space.
- C. For the purposes of this Section, environmentally sensitive areas shall be counted towards the minimum common open space requirement. Aboveground landscaped water quality treatment facilities shall be counted toward the minimum common open space requirement.
- D. For the purposes of this Section, vehicular circulation areas and parking areas shall not be considered common open space.
- E. For the purposes of this section, individual exterior spaces such as outdoor patios and decks constructed to serve individual units shall not be considered common open space.
- F. Common open space shall not abut a collector or greater classified street as identified in the City's adopted Functional Classification Plan, unless that common open space shall be allowed adjacent to these street classifications where separated from the street by a constructed barrier at least three (3) feet in height.

60.05.25.1.

- G. Common open space shall be no smaller than 400 square feet in area, and shall have minimum length and width dimensions of 20 feet.
- H. In phased developments, common open space shall be provided in each phase of the development consistent with or exceeding the requirements for the size and number of dwelling units proposed.
- I. Active common open spaces shall be included in all developments, and shall include at least two (2) of the following improvements:
 - 1. A bench or other seating with a pathway or other pedestrian way;
 - 2. A water feature such as a fountain;
 - 3. A children's play structure;
 - 4. A gazebo;
 - 5. Clubhouse;
 - 6. Tennis courts
 - 7. An indoor or outdoor sports court; or
 - 8. An indoor or outdoor swimming and/or wading pool.
 - 9. Plaza
- J. The decision-making authority shall be authorized to consider other improvements in addition to those provided under subsection I, provided that these improvements provide a similar level of active common open space usage.

2. Minimum Landscaping Requirements for Required Front Yards and Required Common Open Space in Multiple Family Residential Zones

- A. All front yard areas in the R-3.5, R-2 and R-1 districts, and required common open space areas in the R-2 and R-1 districts not occupied by structures, walkways, driveways, plazas or parking spaces shall be landscaped.
- B. Landscaping shall include live plants or landscape features such as fountains, ponds or other landscape elements. Bare gravel, rock, bark and similar materials are not a substitute for plant cover, and shall be limited to no more than twenty-five (25) percent of the landscape area.

60.05.25.2.

- C. All street-facing elevations shall have landscaping along their foundation. When a porch obstructs a foundation, landscaping shall be installed along the outer edge of the porch. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, or for plazas adjacent to the building. The foundation landscaping shall meet the following minimum standards:
 - 1. The landscaped area shall be at least three (3) feet wide; and,
 - 2. For every three (3) lineal feet of foundation, an evergreen shrub having a minimum mature height of twenty-four (24) inches shall be planted; and,
 - 3. Groundcover plants shall be planted in the remainder of the landscaped area.

3. Minimum Landscaping Requirements for Conditional Uses in Residential Districts, and for Developments in Multiple-Use, Commercial and Industrial Districts

- A. A minimum portion of the total gross lot area shall be landscaped:
 - 1. Conditional uses in residential districts, and all uses in commercial and industrial districts, fifteen (15) percent;
 - 2. All uses in multiple-use districts, ten (10) percent.
 - 3. Environmentally sensitive areas shall be counted towards the minimum landscape requirement. Aboveground landscaped water quality treatment facilities shall be counted toward the minimum landscape requirement.
- B. The following minimum planting requirements for required landscaped areas shall be complied with. These requirements shall be used to calculate the total number of trees and shrubs to be included within the required landscape area:

60.05.25.3.B.

1. One (1) tree shall be provided for every eight hundred (800) square feet of required landscaped area. Evergreen trees shall have a minimum planting height of six (6) feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting.
 2. One (1) evergreen shrub having a minimum mature height of forty-eight (48) inches shall be provided for every four hundred (400) square feet of required landscaped area.
 3. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.
- C. A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement for conditional uses in residential districts, and shall be comprised of the following:
1. Brick pavers, or stone, scored, or colored concrete; and,
 2. One (1) tree having a minimum mature height of twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,
 3. Street furniture including but not limited to benches, tables, and chairs; and,
 4. Pedestrian scale lighting consistent with the City's Technical Lighting Standards; and,
 5. Trash receptacles.

60.05.25.3.

- D. All building elevations visible from and within 200 feet of a public street that do not have windows on the ground floor shall have landscaping along their foundation, which shall be counted toward the minimum landscaped requirement. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, for plazas adjacent to the building, or when the building is within three (3) feet of the property line. The foundation landscaping shall be at least five (5) feet wide; and shall be comprised of the following:
1. One (1) tree having a minimum planting height of six (6) feet shall be planted for every thirty (30) lineal feet of foundation.
 2. One (1) shrub having a minimum mature height of twenty-four (24) inches shall be planted for every three (3) lineal feet of foundation and shall be planted between required trees; and,
 3. Groundcover plants shall be planted in the remainder of the landscaped area not occupied by required trees and shrubs, and shall not be planted in rows, but in a staggered manner for more effective covering.
4. **Public Open Space.** When, public open space is proposed by an applicant, it shall be designed to provide passive open space, active open space or both for the enjoyment of the general public unless otherwise indicated in an open space master plan approved by the City, THPRD or other jurisdiction. For the purposes of this Section, public open space is defined as the portion of a site that is developed for use by the general public, but is not dedicated and is kept under the ownership and control of the private property owner. Passive open space is where human activities are limited to defined walking and seating areas. Active open space is where human activities include recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities. Public open space may be improved for passive or active recreational uses, however, it shall not include environmentally sensitive areas such as a wetland, riparian area, or significant tree grove. Public open space may be counted towards the minimum landscape requirement, provided the following is met unless otherwise approved in an open space master plan:

60.05.25.4.

- A. The public open space is located at the perimeter of a parent parcel abutting public right-of-way; or,
- B. If not located at the perimeter of the parent parcel, the public open space shall be visible from the public right-of-way, and shall be accessible via a minimum five (5) foot wide pedestrian pathway.
- C. Pedestrian-scale lighting consistent with the City's Technical Lighting Standards shall be provided.

5. Retaining Walls. Retaining walls greater than six (6) feet in height or longer than fifty (50) lineal feet used in site landscaping or as an element of site design shall be architecturally treated with contrasting scoring, or texture, or pattern, or off-set planes, or different applied materials, or any combination of the foregoing, and shall be incorporated into the overall landscape plan, or shall be screened by a landscape buffer. Materials used on retaining walls should be similar to materials used in other elements of the landscape plan or related buildings, or incorporate other landscape or decorative features exclusive of signs. If screening by a landscape buffer is utilized, a buffer width of at least five (5) feet is required, landscaped to the B3-High Screen Buffer standards.

6. Fences and Walls

- A. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, or brick, or other durable materials.
- B. Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material. Slat may not be required when visibility into features such as open space, natural areas, parks and similar areas is needed to assure visual security, or into on-site areas in industrial zones that require visual surveillance.
- C. Masonry walls shall be a minimum of six inches thick. All other walls shall be a minimum of three inches thick.

60.05.25.6.

- D. For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the preceding standards apply when visible from and within 200 feet of a public street.
- E. Fences and walls:
 - 1. May not exceed three feet in height in a required front yard along streets and eight feet in all other locations;
 - 2. May be permitted up to six feet in a required front yard along designated collector and arterial streets.

7. Minimize significant changes to existing on-site surface contours at residential property lines.

- A. When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:
 - 1. 0 to 5 feet from property line. Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
 - 2. More than 5 feet and up to and including 10 feet from property line. Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
 - 3. More than 10 feet and up to and including 15 feet from property line. Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
 - 4. More than 15 feet and up to and including 20 feet from property line. Maximum of eight (8) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
 - 5. More than 20 feet and up to and including 25 feet from property line. Maximum of ten (10) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.

60.05.25.7.

- B. Notwithstanding the requirements of subsection A.1. above, grading within 25 feet of a property line shall not change the existing slopes by more than ten percent within a tree root zone of an identified significant grove or tree, or an identified historic tree located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree.
8. **Integrate water quality, quantity, or both facilities.** Non-vaulted surface stormwater detention and treatment facilities having a side slope greater than 2:1 shall not be located between a street and the front of an adjacent building.
9. **Natural Areas.** Development on sites with City-adopted natural resource features such as streams, wetlands, and rock outcroppings, shall be preserved to maintain the resource without encroachment into any required resource buffer standard unless otherwise authorized by other City or CWS requirements.
10. **Landscape Buffering Requirements.** All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table 60.05-2 and the following standards. For purposes of this Section, a landscape buffer is required along the side and rear of properties between different zoning district designations. A landscape buffer is required for non-residential land uses and parks in residential zoning districts. Both buffering standards and side and rear building setback requirements shall be met. Only landscaping shall be allowed in the landscape buffer areas. Buffer areas and building setback standards are measured from the property line, they are not additive. Where a yard setback width is less than a landscape buffer width, the yard setback width applies to the specified buffer designation (B1, B2, or B3 as appropriate). A landscape buffer width cannot exceed a minimum yard setback dimension. In addition, the buffer area and landscape standard are intended to be continuously applied along the property line, except as authorized under Section 60.05.45.9.
- A. **Applicability of Buffer Standards.**
1. The buffer standards shall not be applicable to individual single-family buildings on individual parcels.

60.05.25.10.A.1.

2. The buffer standards shall not apply to areas where emergency access is required.
3. The buffer standards shall not apply to areas where a public utility easement exists. This exemption only applies to trees and does not exempt the requirement of shrubs and ground cover.
4. The buffer standards shall not apply along property lines where a non-residential use is already buffered by a natural feature or an open space dedication, if such a natural buffer or dedication is at least 40 feet in width, or if the width of the natural feature or open space dedication and the density and quality of landscaping meet or exceed the applicable landscape buffer standard.

B. B1-Low Screen Buffer. This buffer is intended to provide a minimal amount of transitional screening between zones. This buffer consists of one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width; and 2) live ground cover consisting of low-height plants, or shrubs, or grass proportionately spaced between the trees with actual spacing for low height plants or shrubs dependent upon the mature spread of the vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required buffer area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B1 buffer required for across the street.

C. B2-Medium Screen Buffer. This buffer is intended to provide a moderate degree of transitional screening between zones. This buffer consists of live ground cover consisting of low-height plants, or shrubs, or grass, and 1) one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width; 2) evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting planted proportionately between the required evergreen trees. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen

60.05.25.10.C.

shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area. Deciduous trees having a minimum two-inch caliper at time of planting may be planted in the B2 buffer required for across the street.

- D. B3-High Screen Buffer.** This buffer is intended to provide a high degree of visual screening between zones. This buffer consists of minimum six (6)-foot high fully sight obscuring fences or walls with an adjoining landscape area on the interior of the fence when the fence is proposed within three (3) feet of the property line. If the fence is proposed to be setback from the property line more than three feet, the landscaping shall be on the exterior of the fence within a landscape area a minimum of five (5) feet in width, with adequate provision of access and maintenance of the landscaped area. The height of the fence shall be measured from the property on which the fence is to be located, and, if located on a wall, shall be in addition to the height of the wall. The landscape area shall be planted with one (1) tree having a minimum planting height of six (6) feet for every thirty (30) lineal feet of buffer width, filled between with evergreen shrubs which reach a minimum height of four (4) to six (6) feet within two (2) years of planting. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Actual spacing for low height plants or shrubs or evergreen shrubs shall be dependent upon the mature spread of the selected vegetation. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.
- E. Changes to Buffer Widths and Standards.** Required buffer widths and buffer standards are the minimum requirements for buffering and screening. Changes in buffer widths and standards shall be limited to the following:
1. A request for a reduction in buffer width when a B3 buffer standard is required shall be reviewed through the public hearing process;

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2. A request for a reduction in the buffer width when a B2 or B1 buffer standard is required and the applicant does not want to change the buffer standard, or when the reduction in buffer width is greater than five (5) feet, shall be reviewed through the public hearing process; and,
3. A request for a reduction in the buffer width when a B2 or B1 buffer standard is required and the reduction in buffer width is five (5) feet or less, shall be reviewed through administrative authorization provided that the next highest buffer standard is implemented.

Requests for changes in buffer widths and buffer standards shall only be authorized because of physical site constraints, or unique building or site design. An applicant shall be required to provide an adequate detailed written and plan demonstration of the physical site constraints or unique building or site design including, but not limited to, an enhanced site plan, or cross-section detail drawings, or manipulated aerial photography.

- F. Landscaping Buffering Installation.** All required buffering shall be installed prior to occupancy permit issuance.
- G. Pedestrian Plazas in Required Buffer Areas for Non-Residential Development.** For non-residential development in non-residential zoning districts, in which the building is proposed to be placed at the required front yard buffer line, concrete or brick pavers shall be authorized in place of required live groundcover, or bark, or grass, for the length of the building for the front yard only; provided that required trees are still installed, the paved area is connected to the public sidewalk, and pedestrian amenities including but not limited to benches or tables, are provided.

60.05.30. Lighting Design Standards. Unless otherwise noted, all standards apply in all zoning districts.

1. Adequate on-site lighting and minimize glare on adjoining properties.

- A. Lighting shall be provided at lighting levels for development and redevelopment in all zoning districts consistent with the City's Technical Lighting Standards.
- B. Lighting shall be provided in vehicular circulation areas and pedestrian circulation areas.
- C. Lighting shall be provided in pedestrian plazas, if any developed.
- D. Lighting shall be provided at building entrances.
- E. Canopy lighting shall be recessed so that the bulb or lens is not visible from a public right-of-way.

2. Pedestrian-scale on-site lighting.

- A. Pole-mounted Luminaires shall comply with the City's Technical Lighting Standards, and shall not exceed a maximum of:
 - 1. Fifteen (15) feet in height for on-site pedestrian paths of travel.
 - 2. Twenty (20) feet in height for on-site vehicular circulation areas for residential uses in residential zoning districts.
 - 3. Thirty (30) feet in height for on-site vehicular circulation areas in non-residential zoning districts.
 - 4. Fifteen (15) feet for the top deck of non-covered parking structures.
 - 5. The height of the poles for on-site pedestrian ways and on-site vehicular circulation areas shall be measured from the site's finished grade.

60.05.30.2.A.

6. The height of the poles on the top deck of non-covered parking structures shall be measured from the finished floor elevation of the top deck.
7. The poles and bases for pole-mounted luminaires shall be finished or painted a non-reflective color.

- B. Non-pole-mounted luminaires shall comply with the City's Technical Lighting Standards.
- C. Lighted bollards when used to delineate on-site pedestrian and bicycle pathways shall have a maximum height of forty-eight (48) inches.

60.05.35. Building Design and Orientation Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.

1. Building Elevation Design Through Articulation and Variety

- A. Residential buildings should be of a limited length in order to avoid undifferentiated building elevations, reduce the mass of individual buildings, and create a scale of development that is pedestrian friendly and allow circulation between buildings by pedestrians. (Standard 60.05.15.1.A.)
- B. Building elevations should be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in architectural elements such as: building elevations, roof levels, architectural features, and exterior finishes should be provided. (Standard 60.05.15.1.A and B)
- C. To balance horizontal features on longer building elevations, vertical building elements, such as building entries, should be emphasized. (Standard 60.05.15.1.B)
- D. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.1.B)

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- E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, buildings should promote and enhance a comfortable pedestrian scale and orientation. (Standard 60.05.15.1.B)
- F. Building elevations visible from and within 200 feet of an adjacent street or major parking area should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street or major parking area should be avoided. (Standards 60.05.15.1.B and C)
- G. Building elevations visible from and within 100 feet of an adjacent street where the principle use of the building is manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities in an industrial zoning district, should be articulated with architectural features such as windows, dormers, off-setting walls, alcoves, balconies or bays, or by other design features that reflect the building's structural system. Undifferentiated blank walls facing a street should be avoided. (Standards 60.05.15.1.B and C)

2. Roof Forms as Unifying Elements

- A. Roof forms should be distinctive and include variety and detail when viewed from the street. Sloped roofs should have a significant pitch and building focal points should be highlighted. (Standards 60.05.15.2.A and B)
- B. Flat roofs should include distinctive cornice treatments. (Standard 60.05.15.2.C)
- C. Additions to existing structures which involve the addition of new roof area should respect the roof form and material of the existing structure. (Standard 60.05.15.2.D)

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3. Primary building entrances.

- A. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the design of buildings should incorporate features such as arcades, roofs, porches, alcoves, porticoes, awnings, and canopies to protect pedestrians from the rain and sun. (Standard 60.05.15.3)
- B. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance. (Standard 60.05.15.3)

4. Exterior Building Materials

- A. Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, wood, terra cotta, and tile are encouraged. Windows are also encouraged, where they allow views to interior activity areas or displays. (Standard 60.05.15.4.A)
- B. Excluding development in Industrial zones, where masonry is used for exterior finish, decorative patterns (other than running bond pattern) should be considered, especially at entrances, building corners and at the pedestrian level. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone, or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile bands used in conjunction with materials such as concrete. (Standards 60.05.15.4.B and C)

5. Screening of Equipment. All roof, surface, and wall-mounted mechanical, electrical, communications, and service equipment should be screened from view from adjacent public streets by the use of parapets, walls, fences, enclosures, dense evergreen foliage, or by other suitable means. (Standards 60.05.15.5.A through C)

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6. Building Location and Orientation in Multiple Use and Commercial districts.

- A. Buildings should be oriented and located within close proximity to public streets and public street intersections. The overall impression, particularly on Class 1 Major Pedestrian Routes, should be that architecture is the predominant design element over parking areas and landscaping. (Standard 60.05.15.6.A and B)
- B. The design of buildings located at the intersection of two streets should consider the use of a corner entrance to the building. (Standard 60.05.15.6.B)
- C. On Class 1 Major Pedestrian Routes, building entrances should be oriented to streets, or have reasonably direct pedestrian connections to streets and pedestrian and transit facilities. (Standard 60.05.15.6.C and D) [ORD 4365; September 2005]

7. Building Scale along Major Pedestrian Routes.

- A. Architecture helps define the character and quality of a street. Along Major Pedestrian Routes, low height, single story buildings located at the right-of-way edge are discouraged. (Standard 60.05.15.7.A)
- B. Building heights at the right-of-way edge should help form a sense of street enclosure, but should not create a sheer wall out of scale with pedestrians. Building heights at the street edge should be no higher than sixty (60) feet without the upper portions of the building being set back from the vertical building line of the lower building stories. (Standard 60.05.15.7.A)

8. Ground Floor Elevations On Commercial And Multiple Use Buildings.

- A. Excluding residential only development, ground floor building elevations should be pedestrian oriented and provide views into retail, office or lobby space, pedestrian entrances or retail display windows. (Standard 60.05.15.8.A)

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- B. Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk should provide weather protection for pedestrians on building elevations. (Standard 60.05.15.8.B)

60.05.40. Circulation and Parking Design Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.

1. **Connections to public street system.** The on-site circulation system and the abutting street system should provide for efficient access and circulation, and should connect the project to abutting streets. (Standard 60.05.20.1)
2. **Loading area, solid waste facilities, and similar improvements.**
 - A. On-site service, storage and similar activities should be designed and located so that these facilities are screened from an abutting public street. (Standard 60.05.20.2)
 - B. Except in industrial districts, loading areas should be designed and located so that these facilities are screened from an abutting public street, or are shown to be compatible with local business operations. (Standard 60.05.20.2.)
3. **Pedestrian circulation.**
 - A. Pedestrian connections should be made between on-site buildings, parking areas, and open spaces. (Standard 60.05.20.3.A)
 - B. Pedestrian connections should connect on-site facilities to abutting pedestrian facilities and streets unless separated by barriers such as natural features, topographical conditions, or structures. (Standard 60.05.20.3.A)
 - C. Pedestrian connections should link building entrances to nearby streets and other pedestrian destinations. (Standard 60.05.20.3.B)

60.05.40.3.

- D. Pedestrian connections to streets through parking areas should be evenly spaced and separated from vehicles (Standard 60.05.20.3.C through E)
 - E. Excluding manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.3.A through H)
 - F. Pedestrian connections should be designed for safe pedestrian movement and constructed of hard durable surfaces. (Standards 60.05.20.3.F through G)
4. **Street frontages and parking areas.** Landscape or other screening should be provided when surface parking areas are located along public streets. (Standard 60.05.20.4)
5. **Parking area landscaping.** Landscape islands and a tree canopy should be provided to minimize the visual impact of large parking areas. (Standard 60.05.20.5.A through D)
6. **Street frontages in Multiple Use districts.**
- A. Surface parking should occur to the side or rear of buildings and should not occur at the corner of two Major Pedestrian Routes. (Standard 60.05.20.6)
 - B. Surface parking areas should not be the predominant design element along Major Pedestrian Routes and should be located on the site to safely and conveniently serve the intended users of the development, without precluding future site intensification. (Standard 60.05.20.6)
7. **Sidewalks along streets and primary building elevations in Multiple Use and Commercial districts.**
- A. Pedestrian connections designed for high levels of pedestrian activity should be provided along all streets. (Standard 60.05.20.7.A)

60.05.40.7.

- B. Pedestrian connections should be provided along primary building elevations having building and tenant entrances. (Standard 60.05.20.7.B.)

8. Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple Use, and Commercial districts.

- A. On-site circulation should be easily recognized and identified, and include a higher level of improvements such as curbs, sidewalks, and landscaping compared to parking lot aisles. (Standard 60.05.20.8)
- B. Long, continuous parking aisles should be avoided if possible, and landscaped as necessary to minimize the visual impact. (Standard 60.05.20.8)

9. Parking Structures in Multiple-Use Districts. Active ground floor uses should be incorporated in parking structures, particularly on elevations facing Major Pedestrian Routes. (Standard 60.05.20.9)

60.05.45. Landscape, Open Space and Natural Areas Design Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.

1. Common Open Space for Residential Uses in Residential Districts

- A. Common open spaces should be provided that are sized and designed for anticipated users, and are located within walking distance for residents and visitors, and should be integrated into the overall landscape plan. (Standard 60.05.25.1)
- B. Common open spaces should be available for both passive and active use by people of all ages, and should be designed and located in order to maximize security, safety, and convenience. (Standard 60.05.25.1)
- C. Common open spaces should be free from all structural encroachments unless a structure is incorporated into the design of the common open space such as a play structure. (Standard 60.05.25.1)

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- D. Common open space should be located so that windows from living areas, excluding bedrooms and bathrooms, of a minimum of four (4) residences face on to the common open space. (Standard 60.05.25.1)

2. Minimum landscaping in Residential districts.

- A. Landscape treatments utilizing plants, hard-surface materials, or both should be provided in the setback between a street and a building. The treatment should enhance architectural elements of the building and contribute to a safe, interesting streetscape. (Standard 60.05.25.2.A through C)
- B. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest, and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.2.A through C)

3. Minimum landscaping for conditional uses in Residential districts and for developments in Multiple Use, Commercial, and Industrial Districts.

- A. Landscaping should soften the edges of buildings and parking areas, add aesthetic interest and generally increase the attractiveness of a development and its surroundings. (Standard 60.05.25.3.A, B, and D)
- B. Plazas and common areas designed for pedestrian traffic should be surfaced with a combination of landscape and decorative pavers or decorative concrete. (Standard 60.05.25.3.C)
- C. Use of native vegetation should be emphasized for compatibility with local and regional climatic conditions. (Standard 60.05.25.3.A and B)
- D. Existing mature trees and vegetation should be retained and incorporated, when possible, into the site design of a development. (Standard 60.05.25.3.A and B)
- E. A diversity of tree and shrub species should be provided in required landscaped areas. (Standard 60.05.25.3)

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4. **Public Open Space.** Open space available for public use but in private ownership should be accessible to the public, designed for safety, include active, passive or both spaces and improvements, but should not include environmentally sensitive areas. (Standard 60.05.25.4)
5. **Retaining Walls.** Retaining walls over six (6) feet in height or greater than fifty (50) feet in length should be architecturally treated, incorporated into the overall landscape plan, or screened by landscape material. (Standard 60.05.25.5)
6. **Fences and Walls**
 - A. Fences and walls should be constructed of attractive, durable materials. (Standard 60.05.25.6)
 - B. Fences and walls constructed in front yards adjacent to public streets should provide the opportunity to view into the setback from the street unless high traffic volumes or other conflicts warrant greater security and protection. (Standard 60.05.25.6)
7. **Changes to existing on-site surface contours at residential property lines.** The perimeters of properties should be graded in a manner to avoid conflicts with abutting residential properties such as drainage impacts, damage to tree root zones, and blocking sunlight. (Standard 60.05.25.7)
8. **Integrate water quality, quantity, or both facilities.** Above-ground stormwater detention and treatment facilities should be integrated into the design of a development site and, if visible from a public street, should appear as a component of the landscape design. (Standard 60.05.25.8)
9. **Landscape Buffering and Screening**
 - A. A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer standards shall not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.10)

60.05.45.9.

- B. When potential conflicts exist between adjacent zoning districts, such as industrial uses adjacent to residential uses, landscape screening should be dense, and the buffer width maximized. When potential conflicts are not as great, such as a commercial zoning district abutting an industrial zoning district, less dense landscape screening and narrower buffer width is appropriate. (Standard 60.05.25.9)
- C. Landscape buffering should consist of a variety of trees, shrubs and ground covers designed to screen potential conflict areas and complement the overall visual character of the development and adjacent neighborhood. (Standard 60.05.25.9)

- 10. **Natural Areas.** Natural features that are indigenous to a development site, such as streams, wetlands, rock outcroppings, and mature trees should be preserved, enhanced and integrated when reasonably possible into the development plan. (No companion standard)

60.05.50. Lighting Design Guidelines. Unless otherwise noted, all guidelines apply in all zoning districts.

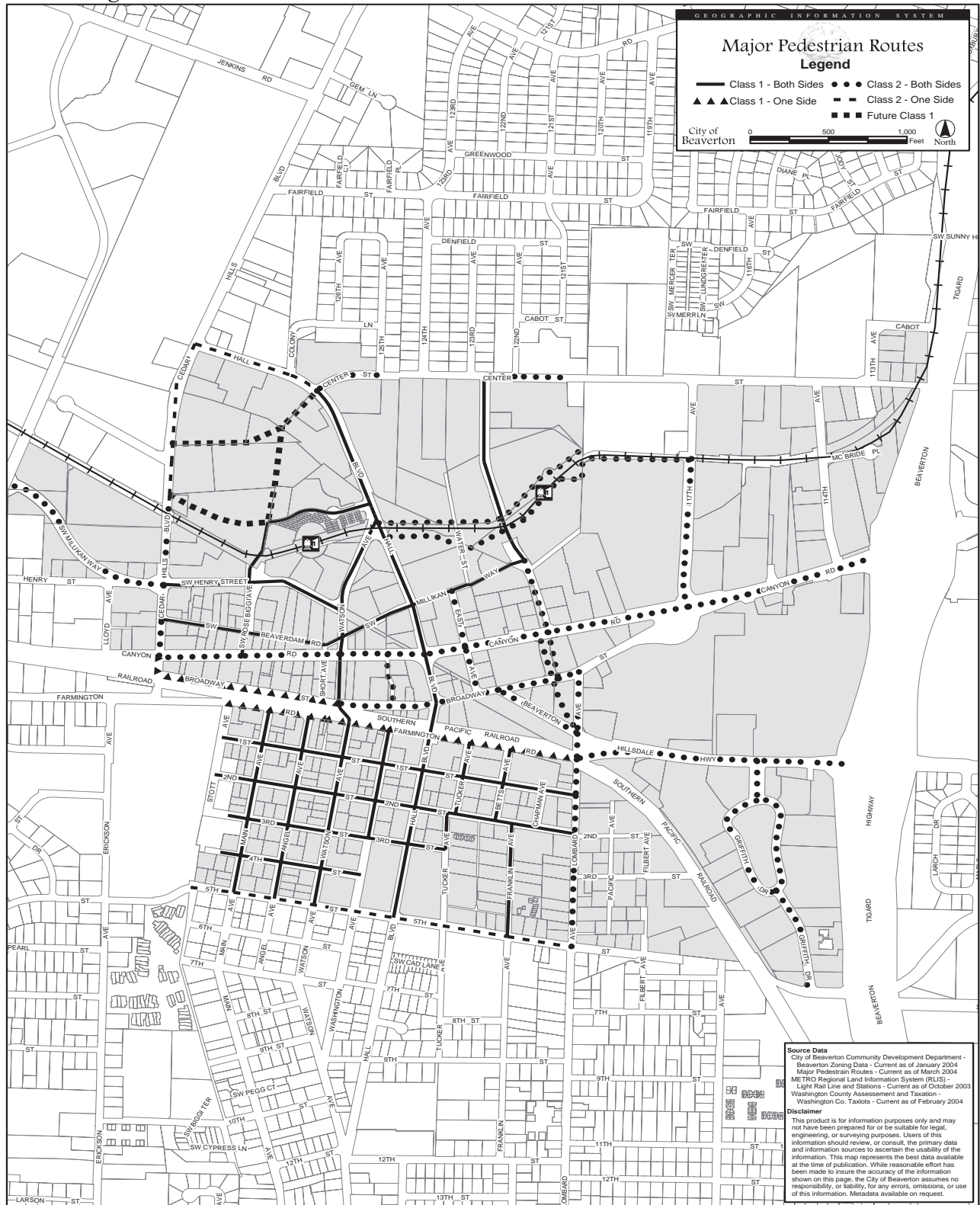
- 1. Lighting should be utilized to maximize safety within a development through strategic placement of pole-mounted, non-pole mounted and bollard luminaires. (Standard 60.05.30.1 and 2)
- 2. Pedestrian scale lighting should be an integral part of the design concept except for industrial projects. Poles and fixtures for pole-mounted lighting should be of a consistent type throughout the project. The design of wall-mounted lighting should be appropriate to the architectural design features of the building. (Standard 60.05.30.2)
- 3. Lighting should minimize direct and indirect glare impacts to abutting and adjacent properties and streets by incorporating lens shields, shades or other measures to screen the view of light sources from residences and streets. (Standard 60.05.30.1 and 2)
- 4. On-site lighting should comply with the City's Technical Lighting Standards. (Standard 60.05.30.1 and 2)

SPECIAL REQUIREMENTS

Design Review Principles, Standards, and Guidelines

60.05.55 Major Pedestrian Route Maps.

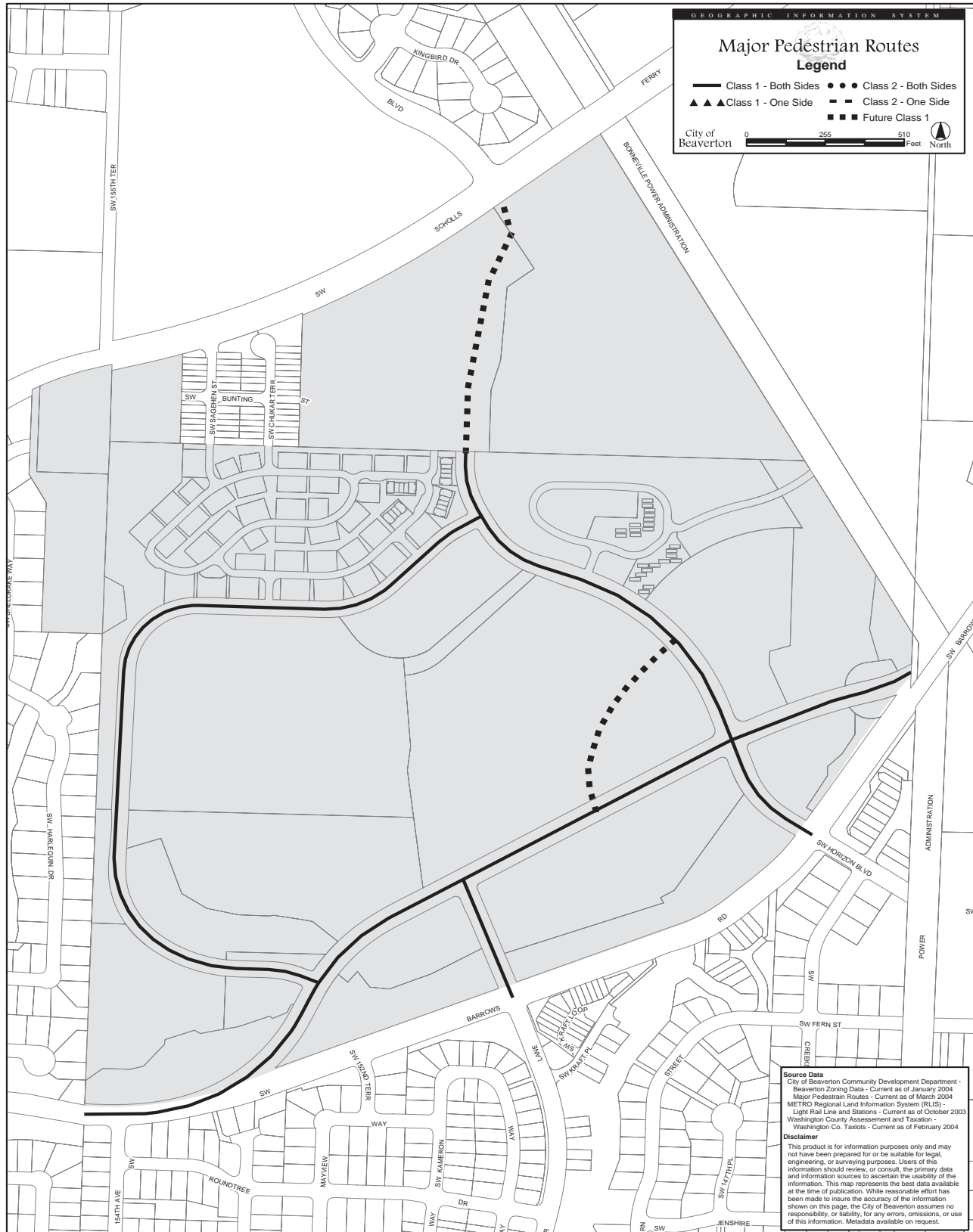
1. Regional Center



SPECIAL REQUIREMENTS

Design Review Principles, Standards, and Guidelines

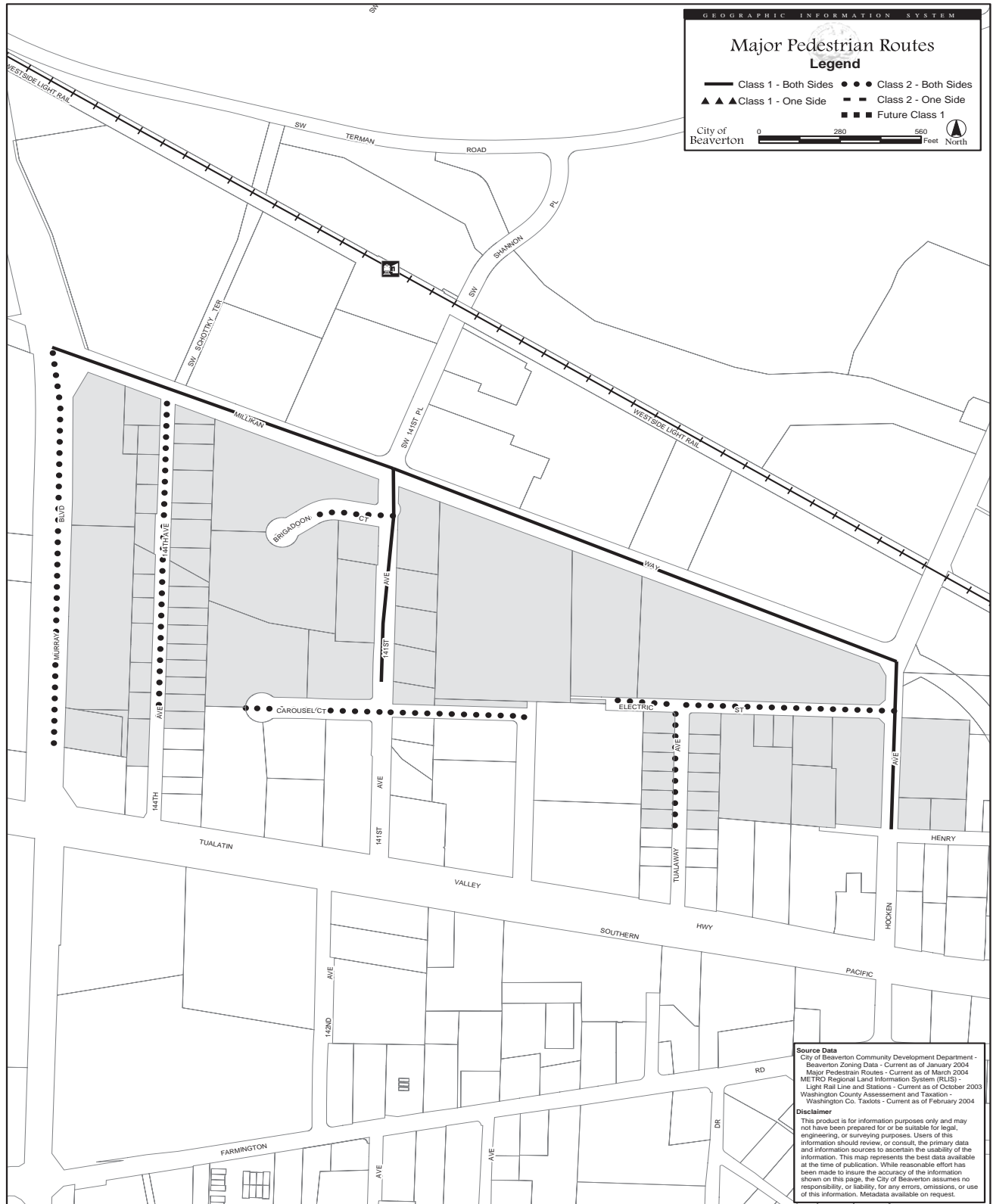
60.05.55.2. Town Center



SPECIAL REQUIREMENTS

Design Review Principles, Standards, and Guidelines

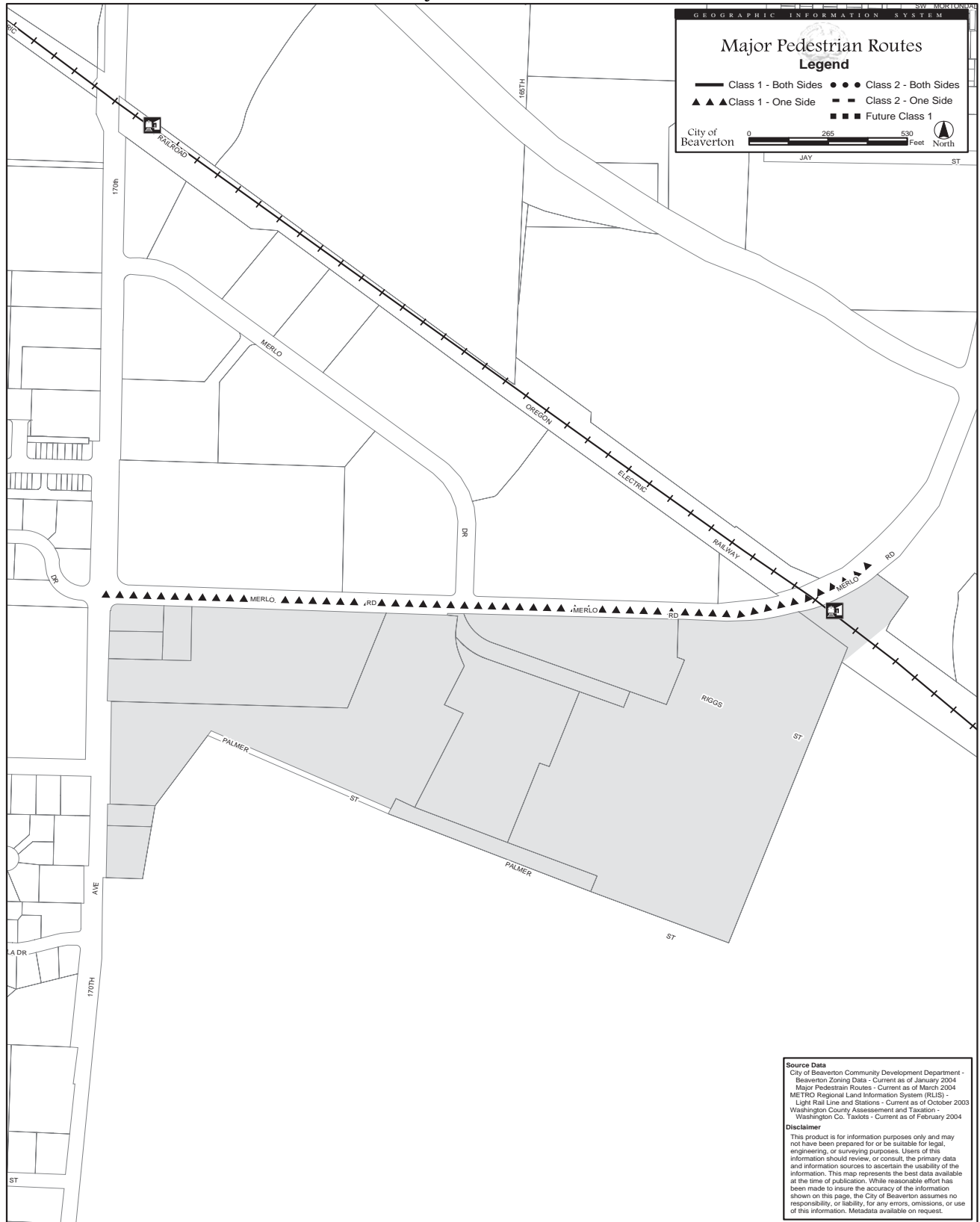
60.05.55.3. South Tek Station Community



SPECIAL REQUIREMENTS

Design Review Principles, Standards, and Guidelines

60.05.55.4. Merlo Station Community



GIS/PM 8-12-04 S:\CommunityDevelopment\04-0027\04-0027.mxd

Table 60.05-1 TECHNICAL LIGHTING STANDARDS

- A. Types of Lighting.** The Technical Lighting Standards shall apply to bollard luminaire, pole-mounted luminaire, and non-pole-mounted luminaire.
- B. Areas to Be Applied.** The roadways, access drives, parking lots, vehicle maneuvering areas, pathways and sidewalks of all new developments and building entrances shall be lighted in conformance to the technical lighting standards. These standards are not intended to apply to public street lighting.
- C. Conformity of Lighting Plans to this Section.** All lighting plans submitted to the City shall comply with the standards of this table.
- D. Standards.** The following standards are required of all exterior lighting:
1. When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of an angle greater than ninety (90) degrees, the minimum required interior illumination, the maximum permitted illumination at the property line, and the maximum permitted height of Luminaires shall be as shown on Table 60.05-1.
 2. When a bollard luminaire, or pole-mounted luminaire, or non-pole-mounted luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the minimum permitted interior illumination, the maximum permitted illumination within five (5) feet of any property line, and the maximum permitted height of Luminaires is also shown on Table 60.05-1.
- E. General Provisions.** Notwithstanding any other provision of this Section to the contrary:
1. **Design Standards for Residential, Commercial, Industrial and Multiple-Use Districts:**
 - a. No flickering or flashing lights shall be permitted.

60.05-1 (continued)

- b. No bare bulb lights shall be permitted for single-family attached development and multi-family attached development.
- c. No strobe lights shall be permitted.
- d. Light sources or Luminaires shall not be located within areas identified for screening or buffering except on pedestrian walkways.

2. Special Design Standard for Residential Districts. No exterior neon lights shall be permitted.

3. Special Design Standard for Commercial and Multiple-Use Districts. Exterior neon lights shall only be permitted when incorporated into the architectural design of a building.

F. Exemption for Specified Public Outdoor Recreation Uses:

- 1. Because of their unique requirements for nighttime visibility, public ball diamonds, public playing fields, and public tennis courts only, inclusive of facilities located on school district properties, are exempted from the exterior lighting standards of Sections 1 through 2 above. These outdoor recreational uses must meet all other requirements for this Section and of the Code.
- 2. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.
- 3. The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shielded to prevent light and glare spillover to adjacent properties. The maximum permitted illumination at the property line or, if required, the interior buffering line, shall not exceed two (2) foot-candles.

Table 60.05-1 (continued)

Zoning District Type	Minimum Required Illumination (internal) in Foot-candles	Maximum Permitted Illumination (internal) in Foot-candles	Maximum Permitted Illumination at property line in Foot-candles	Maximum Permitted Height of Luminaires
Residential	1.0	0.7	TBD	0.5
	>90	>90	<90	<p>Pole -mounted Luminaires (inclusive of above grade base and light fixture):</p> <ul style="list-style-type: none"> ◆ 15 feet for on-site pedestrian ways. ◆ 20 feet for on-site vehicular circulation areas. <p>Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas:</p> <ul style="list-style-type: none"> ◆ 20 feet above building finished grade.
Commercial and Industrial	1.5	1.0	TBD	0.5
				<p>Pole -mounted Luminaires (inclusive of above grade base and light fixture):</p> <ul style="list-style-type: none"> ◆ 15 feet for on-site pedestrian ways. ◆ 30 feet for on-site vehicular circulation areas. ◆ 15 feet for the top deck of non-covered parking structures. <p>Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas:</p> <ul style="list-style-type: none"> ◆ 15 feet above building finished grade for on-site pedestrian circulation areas ◆ 30 feet above building finished grade for on-site vehicular circulations areas.

Table 60.05-1 (continued)

Zoning District Type	Minimum Required Illumination (internal) in Foot-candles	Maximum Permitted Illumination (internal) in Foot-candles	Maximum Permitted Illumination at property line in Foot-candles	Maximum Permitted Height of Luminaires
Multiple Use:		TBD	TBD	Pole -mounted Luminaires (inclusive of above grade base and light fixture):
Residential only	0.7			<ul style="list-style-type: none"> ◆ 15 feet for on-site pedestrian ways for all development types. ◆ 20 feet for on-site vehicular circulation areas for residential only and multipole use with residential. ◆ 30 feet for on-site vehicular circulation areas for multiple use non-residential development and non-multiple use/non-residential development.. ◆ 15 feet for the top deck of non-covered parking structures for all development types.
Multiple use with residential	0.7			
Multiple use non-residential development	1.5	1.0		<p>Wall-mounted Luminaires for the lighting of pedestrian or vehicular circulation areas:</p> <ul style="list-style-type: none"> ◆ 20 feet above building finished grade for residential only and multiple use with residential development. ◆ 15 feet above building finished grade for multiple use non-residential development and non-multiple use / non-residential development.
Non-multiple use / non residential development	1.5	1.0		

Minimum Landscape Buffer Requirements Between Contrasting Districts										SPECIAL REQUIREMENTS	
										Design Review Principles, Standards, and Guidelines	
District of Development	Location	Urban Low (R-10)	Urban Standard (R-7, R-5)	Urban Medium (R-4, R-3.5, R-2)	Urban High Density (R-1)	Commercial (CS, CV, GC, NS, OC)	Industrial (CI, IP, LI)	Station Area (SA-MU, SA-HDR)	Station Community (SC-MU, SC-HDR, SC-E)	Town Center (TC-MU, TC-HDR)	Regional Center (RC-OT, RC-TO, RC-E)
Urban Low (R-10)	Abutting	CU	5'/B1 CU	10'/B2 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU
	Across Street	N/A	5'/B1 CU	5'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B1 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU
	Abutting	5'/B1 CU	N/A	10'/B2 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU	20'/B3 CU
Urban Standard (R-7, R-5)	Across Street	5'/B1 CU	N/A	5'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B1 CU	10'/B2 CU	5'/B2 CU	5'/B2 CU	5'/B2 CU
	Abutting	10'/B2 CU/R-4	10'/B2 CU/R-4	N/A	10'/B2 CU/R-4	20'/B3	20'/B3	10'/B2	10'/B2	10'/B2	10'/B2
Urban Medium (R-4, R-3.5, R-2)	Across Street	5'/B1	5'/B1	N/A	5'/B1	10'/B1	10'/B1	5'/B2	5'/B2	5'/B2	5'/B2
	Abutting	20'/B3	20'/B3	10'/B2	N/A	20'/B3	20'/B3	10'/B1	10'/B1	10'/B1	10'/B1
Urban High Density (R-1)	Across Street	10'/B1	10'/B1	5'/B1	N/A	10'/B1	10'/B1	5'/B1	5'/B1	5'/B1	5'/B1
	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	N/A	10'/B3	5'/B2	5'/B2	5'/B2	5'/B2
Commercial (CS, CV, GC, NS, OC)	Across Street	10'/B1	10'/B1	5'/B1	5'/B1	N/A	5'/B1	5'/B1	5'/B1	5'/B1	5'/B1
	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	N/A	10'/B3	5'/B2	5'/B2	5'/B2	5'/B2
	Across Street	10'/B1	10'/B1	5'/B1	5'/B1	N/A	5'/B1	5'/B1	5'/B1	5'/B1	5'/B1
	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	N/A	10'/B3	5'/B2	5'/B2	5'/B2	5'/B2

Minimum Landscape Buffer Requirements Between Contrasting Districts

District of Development	Location	Minimum Landscape Buffer Requirements Between Contrasting Districts							SPECIAL REQUIREMENTS		
		Urban Low (R-10)	Urban Standard (R-7, R-5)	Urban Medium (R-4, R-3.5, R-2)	Urban High Density (R-1)	Commercial (CS, CV, GC, NS, OC)	Industrial (CI, IP, LI)	Station Area (SA-MU, SA-HDR)	Station Community (SC-MU, SC-HDR, SC-E)	Town Center (TC-MU, TC-HDR)	Regional Center (RC-OT, RC-TO, RC-E)
Industrial (CI, IP, LI)	Abutting	20'/B3	20'/B3	20'/B3	20'/B3	10'/B3	N/A	20'/B3	20'/B3	20'/B3	20'/B3
	Across Street	10'/B2	10'/B2	10'/B2	10'/B2	5'/B2	N/A	10'/B2	10'/B2	10'/B2	10'/B2
Station Area (SA-MU, SA-HDR)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	N/A	10'/B2	10'/B2	10'/B2
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	N/A	5'/B1	5'/B1	5'/B1
Station Community (SC-MU, SC-HDR, SC-E)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	10'/B2	N/A	10'/B2	10'/B2
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	5'/B1	N/A	5'/B1	5'/B1
Town Center (TC-MU, TC-HDR, TC-MDR)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	10'/B2	10'/B2	N/A	10'/B2
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	5'/B1	N/A	N/A	5'/B1
Regional Center (RC-OT, RC-TO, RC-E)	Abutting	20'/B3	20'/B3	10'/B3	10'/B3	10'/B3	20'/B3	10'/B2	10'/B2	10'/B2	N/A
	Across Street	10'/B2	10'/B2	5'/B2	5'/B2	5'/B2	10'/B2	5'/B1	5'/B1	5'/B1	N/A

SPECIAL REQUIREMENTS
Design Review Principles, Standards,
and Guidelines

1. 5' / 10' / 20' = Buffer Width
2. B1 / B2 / B3 = Buffer Standard
3. N/A = Not Applicable
4. CU = Conditional Use

5. Buffering requirements are not in addition to building setback requirements.

6. *Buffering requirements for Urban Low & Urban Standard and the R-4 zoning district in Urban Medium shall only be applied when a Conditional Use (CU) is proposed.

7. A minimum 20 foot buffer developed to a B3 standard is required for non-residential land uses and parks in residential zoning districts. Parks in all other zoning districts shall observe the minimum buffer standard specified in the buffer matrix.

60.07. Drive-Up Window Facilities. [ORD 4224; August 2002]

60.07.05 Purpose. Drive-up window facilities shall be designed to provide safe, convenient and efficient traffic flow.

60.07.10 Standards. The decision making authority shall review proposed drive-up window facilities to determine that the following standards are addressed in the design:

1. Drive-through uses shall be located so that access and egress to the drive-through features are from an on-site drive aisle or other on-site circulation facility, not a public street. [ORD 4332; November 2004]
2. Restaurants providing drive-up window service shall have sufficient parking and seating to accommodate anticipated customer volume.
3. Restaurants providing drive-up window service shall provide at least two (2) designated parking spaces immediately beyond the service window, or provide other satisfactory methods, to allow customers requiring excessive waiting time to receive their food while parked.
4. Financial and other commercial establishments providing drive-up window facilities which do not provide for walk-in customer service (i.e., not allowing transactions within the structure) shall provide for safe, convenient and readily accessible exterior walk-up window service, such as an automatic teller machine, at any time during regular business hours. Additionally, at a minimum, two parking spaces shall be provided allowing convenient access to the walk-up service window.
5. The design of the stacking area shall allow customers' vehicles to leave the stacking line for emergency reasons.
6. On-site parking for walk-in customers shall be designed to be readily accessible to all public entrances to the building and to provide safe, convenient access.
7. Establishments having drive-up window facilities shall have sufficient stacking area to insure that public rights-of-way and shared access driveways are not obstructed.
8. Communication's sound system shall not exceed a measurement of 55 decibels at the adjoining property line.

SPECIAL REQUIREMENTS

Drive-Up Window Facilities

- 60.07.15. Abatement.** Drive-up window facilities shall be a public nuisance to be abated pursuant to 5.05.115A of the Municipal Code, or its successors, if the traffic at the facility causes obstruction or interference with the right-of-way or flow of pedestrian or vehicular traffic as described in Section 5.05.115A of the Municipal Code. Abatement methods may include summary abatement, closure or redesign of the drive up-window facility. The Beaverton Police shall have the authority to issue citations to drivers of motor vehicles obstructing the public right-of-way or interfering with traffic flow. (ORD 3218; July 1981)

60.10. FLOODPLAIN REGULATIONS

60.10.05. Purpose. Regulations governing development within floodplains are intended to recognize the need to protect the health, safety and welfare of the community, and maintain the functions and values of floodplains through control of development within the floodplain area so as to minimize public and private losses due to flooding. The preservation of natural features and topography as an aid in floodplain management is a primary purpose of these regulations. However, in the administration of these regulations the existing pattern of man-made improvements must in some areas be recognized as a constraint on achieving this purpose. The provisions of this Section are designed to: [ORD 4155; April 2001]

1. Protect human life, health, and property; [ORD 4155; April 2001]
2. Minimize expenditure of public money, costly repairs of flood damage, and costly flood control projects; [ORD 4155; April 2001]
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Make information is available upon request to potential buyers that property is in an area of special flood hazard; [ORD 4155; April 2001]
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (ORD 3563)
9. Maintain the functions and values of floodplains, such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems. [ORD 4155; April 2001]

60.10.10. Floodplain Designation.

1. Consistent with Clean Water Services Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the Department of Homeland Security's Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Beaverton," dated February 18, 2005, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. In addition, the Letter of Final Determination, dated August 18, 2004, with accompanying Flood Insurance Rate Maps, flood profiles, and related data for Beaverton and Washington County, effective February 18, 2005, revises portions of the 1984 and 1987 studies and maps, and is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. (ORD 3563) [ORD 4130; November 2000] When base flood elevation data has not been provided in accordance with this section, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. For all development applications, the best available information as determined by the City Engineer shall be used in the determination of the floodplain limits. (ORD 3563) [ORD 4337; January 2005] [ORD 4388; June 2006]
2. When interpretation is requested by a property owner, or designee concerning the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), or if a development application is received for a site where a floodplain is unclear or lacks an established elevation, the City Engineer shall require the concerned person or applicant to provide a detailed hydraulic data report prepared in accordance with standard engineering practice by a registered engineer with background in the area of hydrology and hydraulics. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas. The report must document the base flood elevation and specific limits of inundation within a floodplain designated on a FIRM map in Zone A or in Zone AO or along a stream corridor beyond the FIRM studied limits. After review of the available data and the report, the base flood elevation shall be established by the City Engineer. All applicable floodplain regulations for preservation of

60.10.10.2

flood conveyance and flood storage of sites and building elevation requirements shall be determined from the base flood elevation as established by the City Engineer. A person dissatisfied with the City Engineer's decision may appeal that decision in the same manner as provided in Beaverton Code Section 9.05.091. (ORD 3563) [ORD 4155; April 2001] [ORD 4392; June 2006]

3. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder. (ORD 3563)
4. Uncontained areas of hazardous materials, as defined by the Department of Environmental Quality, are prohibited in the floodplain. Any storage or placement of materials in the floodplain that would obstruct the flow of water or reduce the available flood holding capacity of a site is prohibited. (ORD 3441) [ORD 4093; March 2000] [ORD 4155; April 2001]

60.10.15. Development in Floodway.

1. Development in the floodway is prohibited, with the following exceptions, which are subject to the site development ordinance;
 - A. Stormwater outfall pipes and other drainage; improvements;
 - B. Bridges;
 - C. Culverts;
 - D. Public utility lines;
 - E. Trails or bikepaths;
 - F. Roads and other uses identified on the City's Transportation Plan; and
 - G. Grading associated with A through F above.

60.10.20. Commercial and Industrial Uses in the Floodway Fringe. All commercial and industrial uses, if allowed in the primary zone are allowed in the floodway fringe if the proposed development:

1. Meets the requirements of Beaverton Code Section 9.05;
2. Meets the requirements of the City Engineering Design Manual and Standard Drawings;
3. Meets the requirements of the Clean Water Services District Design and Construction Standards Manual based on affirmative statements in documentation from CWS; and [ORD 4224; August 2002] [ORD 4392; June 2006]
4. Has been reviewed and approved by the appropriate City approval authority as meeting the requirements and standards of this ordinance.

(ORD 3441) [ORD 4093; March 2000] [ORD 4155; April 2001]

60.10.25. Residential Uses in the Floodway Fringe.

1. Unless property is developed as a planned unit development, single family and two family dwellings, even though allowed in the primary zone, are prohibited in the floodway fringe on any lot smaller in area than five acres.
2. All other residential uses, if allowed in the primary zone, are allowed only as conditional uses in the floodway fringe. The request for a Conditional Use shall be processed and reviewed in the manner set forth in this ordinance. In addition to all other findings of fact required to be made in order to grant the Conditional Use, the following findings shall also be made: [ORD 4155; April 2001]
 - A. The proposed development meets all the site and building design standards and requirements of the Beaverton Code Section 9.05 and the technical standards of this ordinance; and [ORD 4155; April 2001] [ORD 4392; June 2006]

60.10.25.

- B. The proposed development meets the building design standards and requirements of the Clean Water Services Design and Construction Standards based on affirmative statements in documentation from CWS. [ORD 4155; April 2001] [ORD 4224; August 2002]
- 3. The provisions of 2., above, shall not operate to impose the status of nonconforming use on any single family or two family dwelling or use lawfully existing on the effective date of this ordinance.
- 4. Single family and two family dwellings and uses located in the floodway fringe and on lots smaller in area than five acres shall be allowed to continue, subject to the provisions of the primary zone, as conforming uses.
- 5. A structure or use regulated by this section that does not comply with any regulation provided by this ordinance for the primary zone in which it is located shall be considered nonconforming in those particulars only and shall be treated in a manner consistent with the provisions of Chapter 30, the nonconforming use provisions.
- 6. All manufactured homes otherwise allowed to be placed or substantially improved within the floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is not less than one foot above the base flood elevation, be flood proofed to or above that level together with attendant utility services composed of flood resistant materials, and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Beaverton Code Section 9.05. Site Development Code. (ORD 3563) [ORD 4155; April 2001] [ORD 4392; June 2006]
- 7. In the floodplain, the long-term storage, permanent placement, or installation of recreational vehicles on the land is prohibited.

60.12. HABITAT FRIENDLY DEVELOPMENT PRACTICES

- 60.12.05. Purpose.** Allow and encourage Habitat Friendly Development Practices (HFDPs) that integrate preservation, enhancement and creation of Habitat Benefit Areas (HBAs) and use of Low Impact Development (LID) techniques in order to support natural systems that provide wildlife with food, shelter, and clean water.

All of the provisions of Section 60.12 are voluntary and are not required of new development or redevelopment. The provisions are applicable only when a property owner elects to utilize the provisions contained in this section.

The provisions of this section are intended to:

1. Promote preservation, enhancement and restoration of Habitat Benefit Areas (HBAs).
2. Reduce impacts from development on fish and wildlife habitat relative to traditional development practices.
3. Design a site in such a way that Habitat Friendly Development Practices (HFDPs) are integrated in the overall plan.
4. Use Best Management Practices (BMPs) to guide decisions regarding site design, development and construction.
5. Reduce Effective Impervious Area (EIA) in the City to the extent practicable and achieve zero (0) percent EIA on as many individual sites as practicable.
6. Avoid damaging existing wildlife habitat through preservation of HBA, minimize impacts to existing wildlife habitat by limiting the amount of habitat disturbance to only those areas required for development of a site, and mitigate impacts to existing wildlife habitat when avoidance and minimization options are limited. Use LID techniques to mitigate impacts in order to improve remaining on-site habitat and/or down-stream habitat.
7. Encourage HFDPs by adopting options that allow for flexibility in site design for new development and redevelopment.
8. Implement provisions of the Beaverton Comprehensive Plan that encourage preservation of HBA and use of LID techniques.

60.12.10. Process. Implementation of a HFDP shall not result in a requirement for a separate Development Code, Chapter 40, application. The level of review for a Chapter 40 application shall not be elevated or lessened based on proposed implementation of a HFDP.

60.12.15. Engineered Techniques. In some instances, proposed implementation of a HFDP will require an Engineering Design Manual Design Modification approved by the City Engineer. The Design Modification process is outlined in Section 145 of the *Engineering Design Manual and Standard Drawings* (EDM). An applicant may choose to receive approval from the City Engineer prior to, or concurrent with, review of a land use application.

In order for the decision making body to approve a requested credit for proposed implementation of a technique that requires a review of the technique's technical feasibility, engineered drawings and calculations need to be completed and submitted with the land use application for development review.

60.12.20. Guidance. *The City of Beaverton Habitat Friendly Development Practices Guidance Manual* provides an expanded description of principles and techniques that may be integrated into site design to meet the goals and objectives within Section 60.12.05.

60.12.25. Credits. As used in this Code section, the term credits refers to development credits an applicant may earn through HBA preservation or use of LID techniques which are described in Sections 60.12.35. through 60.12.40., below. The mix of credits requested is left to the applicant's discretion for a single project site, as credits are not transferable between separate project sites.

60.12.30. Standards. The following standards shall be satisfied by new development and redevelopment, throughout the City when a request for use of a credit(s) allowed through Section 60.12.35 or Section 60.12.40 is proposed.

1. The proposal satisfies all applicable standards for the preservation, technique, or credit requested.
2. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to a credit for implementation of a proposed HFDP.

60.12.30.

3. The proposal is consistent with all applicable provisions of Section 60.12 (Habitat Friendly Development Practices) and all improvements, dedications, or both required by the applicable provisions of Section 60.12 (Habitat Friendly Development Practices) are satisfied or can be provided in proportion to the identified impact(s) of the proposal.
4. Implementation of the proposed Habitat Friendly Development Practice(s) is technically feasible in accordance with Section 60.12.15. Engineered Techniques.
5. The size of the improvement proposed to implement the Habitat Friendly Development Practice(s) is greater than or equal to the amount required to receive the requested credit(s).
6. The proposed credit is a credit that is allowed for the proposed Habitat Friendly Development Practice(s).
7. Use of credits is limited to the amount of preservation or technique proposed. One (1) unit of preservation or technique results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) unit of preservation or technique.
8. Where a credit(s) toward the landscape standard, parking lot landscape island standard, or open space standard is requested, the proposed project requesting credits toward the landscape standard, parking lot landscape island standard, or open space standard does not cumulatively receive credits greater than 50 percent of the landscape or open space standard for the project site, with the exception of credit for installation of a Rain Garden. .
9. Where a credit(s) toward the landscape standard, parking lot landscape island standard, or open space standard is requested for installation of a Rain Garden, the proposed project requesting credits toward the landscape standard, parking lot landscape island standard, or open space standard does not cumulatively receive credits greater than 75 percent of the landscape or open space standard for the project site.

60.12.30.

10. Where a credit(s) to increase the building height above the maximum for the underlying zoning district is requested, the proposed project does not cumulatively receive credits greater than 12 feet additional building height, with the exception of Section 60.12.40.4.B.1 Building Height Increase, Multiple-Use Zoning Districts (Eco-roof).
11. Where a credit(s) to increase the building height above the maximum is requested for a project within a Multiple-Use zoning district, the proposed project does not cumulatively receive credits greater than 12 feet, 24 feet, or 36 feet additional building height, respective of Sections 60.12.40.4.B.1.a, 60.12.40.4.B.1.b, and 60.12.40.4.B.1.c.

60.12.35. Habitat Benefit Area (HBA) Preservation. Locations of HBAs are depicted on the *Comprehensive Plan Volume III Habitat Benefit Area Map*. Habitat resource classification and delineation methodologies are included in the *Comprehensive Plan for the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*.

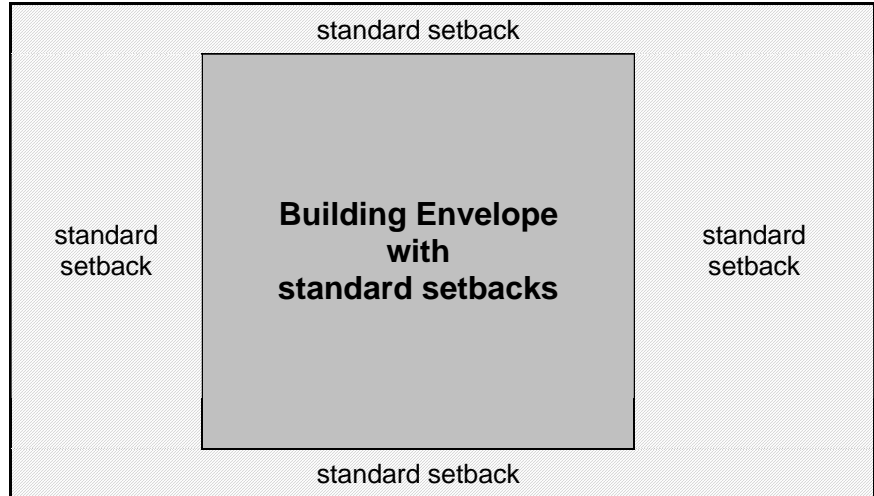
1. Preservation, Enhancement, Mitigation, Creation.

- A. Purpose. HBA Preservation includes preservation, enhancement, mitigation, or creation of HBA based upon habitat delineation.
- B. Credits. Use of the following credits is limited to the amount of HBA preservation proposed. One (1) square foot of HBA preserved results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of HBA preservation.
 1. Building Envelope Offset in Commercial and Industrial Zoning Districts. An applicant can request a yard setback decrease of one (1) foot for every one (1) lineal foot that a proposed HBA preservation encroaches into a project site from the opposite side; in exchange the opposite yard setback shall be increased one (1) lineal foot.

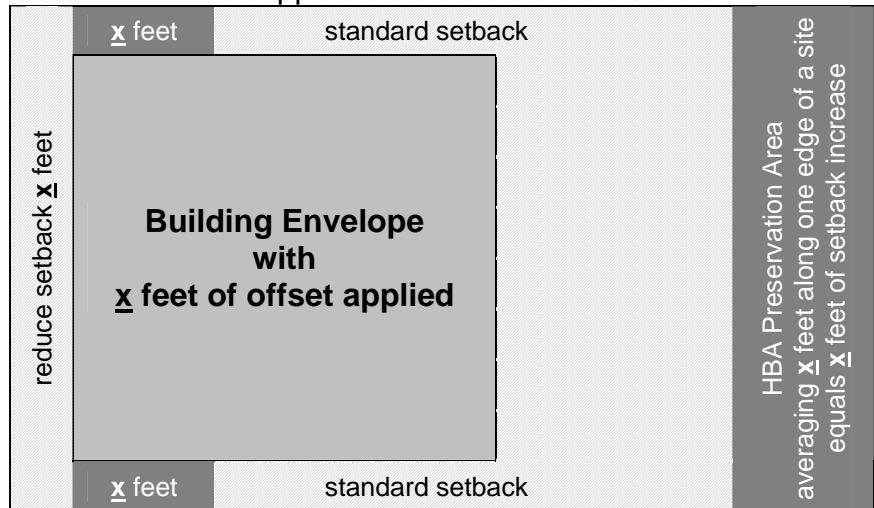
60.12.35.1.B.1.

Building Envelope Offset Example.

Standard Setbacks.



Setback Offset applied.



Standards. Building Envelope Offset credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. **Credit Limit.** The proposed Building Footprint Offset does not reduce a yard setback to less than five (5) feet.

60.12.35.1.B.1.

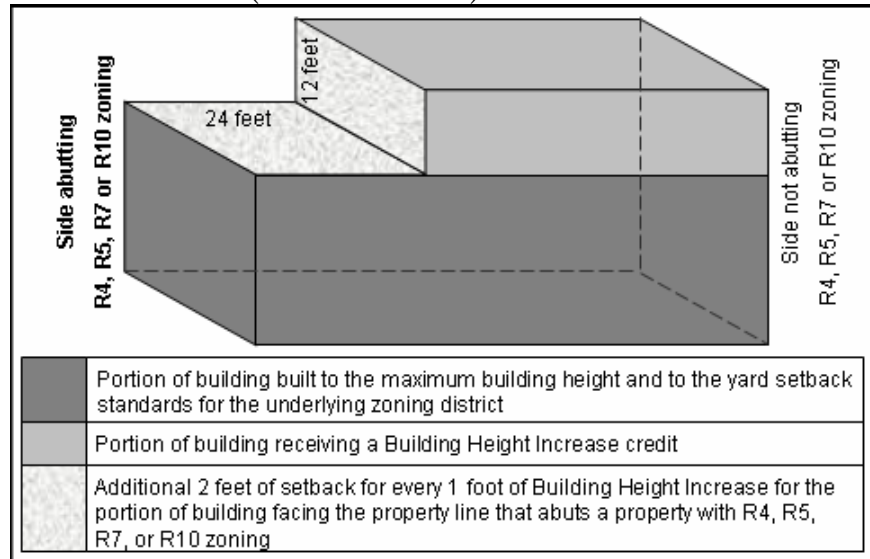
- b. The requested setback reduction is not requested for any property within the R4, R5, R7, R10, or RA zoning districts.
 - c. A requested setback reduction does not abut any property within the R4, R5, R7, R10, or RA zoning districts.
 - d. The proposed reduction will meet applicable fire or life safety requirements.
 - e. The proposed reduction will meet applicable building code requirements.
2. Building Height Increase. A proposal that includes HBA preservation can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of HBA preservation, not to exceed the square footage of the building footprint. This credit is applicable in all zones except R4, R5, R7, and R10.

Standards. Building Height Increase credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Building Height Increase does not exceed 12 additional feet for an area equal to the building footprint.
- b. When abutting an R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

60.12.35.1.B.2.b.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be located within the project site where the HBA is preserved.
 - d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
3. Floor Area Reduction in Multiple-Use Zoning Districts. For every one (1) square foot proposed HBA preservation on a project site, an applicant can request a credit of one (1) square foot toward satisfying the minimum floor area requirement for a project site.

Standards. Floor Area Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Floor Area Reduction does not exceed 25 percent of the required floor area for the project site.

60.12.35.1.B.

4. Landscape Island Standard Reduction. For every one (1) square foot proposed HBA preservation, within ten (10) feet of a proposed parking lot area, an applicant can request a credit of one (1) square foot toward the landscape island standard of Section 60.05.20.5.

Standards. Landscape Island Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project based upon the minimum number of parking spaces required for the subject site divided by the applicable standard of Section 60.05.20.5.A.

5. Landscape Standard Reduction. For every one (1) square foot of HBA preservation proposed, an applicant can request a credit of one (1) square foot toward the landscape standard.

Standards. Landscape Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

6. Lot Dimension Reduction. An applicant can request a credit toward reduction of either the standard minimum lot dimension for width or the standard minimum lot dimension for depth, while continuing to meet the minimum lot size and minimum density requirements of the underlying zoning district.

60.12.35.1.B.6.

Standards. Lot Dimension Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Lot Dimension Reduction does not exceed 20 percent of the required width or 20 percent of the required depth of the underlying zoning district's lot dimension requirement.
 - b. HBA preservation is equal to or greater than the minimum lot area square footage for one (1) lot within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging (60.12.35.1.B.7.) and Lot Dimension Reduction for one project site, the applicant may propose one technique or the other for each lot, but may not apply both techniques to any one (1) lot.
 - c. HBA preservation is equal to or greater than the minimum lot area square footage for two (2) lots within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging (60.12.35.1.B.7.) and Lot Dimension Reduction for one project site, the applicant may propose application of both techniques to all proposed lots.
7. Lot Size Averaging. An applicant can request a credit toward averaging the size of proposed lots rather than meeting the minimum lot size requirement for every proposed lot, while continuing to meet minimum density requirements of the underlying zoning district.

Standards. Lot Size Averaging credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

60.12.35.1.B.7.

- a. Credit Limit. The proposed Lot Size Averaging does not reduce the square footage of any one lot below 80 percent of the minimum and does not increase the square footage of any one lot above 120 percent of the maximum square footage of the underlying zoning district's lot area standard.
 - b. HBA preservation is equal to or greater than the minimum lot area square footage for one (1) lot within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging and Lot Dimension Reduction (60.12.35.1.B.6.) for one project site, the applicant may propose one technique or the other for each lot, but may not apply both techniques to any one (1) lot.
 - c. HBA preservation is equal to or greater than the minimum lot area square footage for two (2) lots within the underlying zoning district. If an applicant chooses to use both Lot Size Averaging and Lot Dimension Reduction (60.12.35.1.B.6.) for one project site, the applicant may propose application of both techniques to all proposed lots.
8. Open Space Standard Reduction. For every one (1) square foot HBA preservation proposed, an applicant can request a credit of one (1) square foot toward the open space standard.

Standards. Open Space Standard Reduction credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.35.C.

- a. Credit Limit. The proposed Open Space Standard Reduction does not exceed 50 percent of the open space standard of Section 60.05.25.1, Section 60.05.25.2, Section 60.05.25.4 and Section 60.35.15 for the project site.

60.12.35.1.

- C. Standards. Proposals that request credits for HBA preservation shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Sections 60.12.35.B.1 through 60.12.35.B.8.
1. The area of HBA Preservation, Enhancement, Mitigation or Creation shall be placed within a conservation easement or a separate tract as described in Section 60.12.50. As a condition of approval, a covenant with the City shall be established as described in Section 60.12.50.
 2. The area of HBA Preservation, Enhancement, Mitigation or Creation shall not overlap with an area that is currently regulated by the City or another jurisdictional agency.
 3. When intersecting with Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs)) and Community Trees the area of HBA Preservation, Enhancement, Mitigation or Creation shall be the area of the site protected, through either a tract or conservation easement, that is in excess of the minimum amount of tree protection required by a Tree Plan 2 application.
 4. Proposals for HBA Mitigation shall:
 - a. replace existing HBA that is proposed for removal on the same project site.
 - b. be contiguous with an existing HBA or designated Clean Water Services Vegetated Corridor for a minimum of 50 feet.
 - c. be equal to or greater than existing HBA proposed for removal.
 5. Proposals for HBA Creation shall:
 - a. be developed with natural landscaping that supports native wildlife.

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60.12.35.1.C.5.

- b. be contiguous with an existing HBA or CWS vegetated corridor for a minimum of 50 feet.
- c. be a minimum of 2,500 square feet.

60.12.35. HABITAT BENEFIT AREA (HBA) PRESERVATION - CREDIT TABLE			
A. Purpose	HBA Preservation, Enhancement, Mitigation or Creation	Propose One (1) square foot (Bldg Envelope Offset - one (1) lineal foot)	
B. Credits		Toward	Limit
1. Building Envelope Offset		setback	1 lineal ft offsetting
2. Building Height Increase		bldg ht	1 sf 12 ft
3. Floor Area Reduction (MU)		min. floor area	1 sf 25% required floor area
4. Landscape Island Standard Reduction		landscape island	1 sf 50% landscape island std
5. Landscape Standard Reduction		landscape	1 sf 50% landscape std
6. Lot Dimension Reduction		lot dimension	20% width/depth HBA sf = min 1 du
7. Lot Size Averaging		lot area per du	80% to 120% HBA sf = min 1 du
8. Open Space Standard Reduction		open space	1 sf 50% open space std
bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum			

60.12.40. Low Impact Development (LID) Techniques. Use of LID techniques is allowed throughout the City unless otherwise stated.

1. Additional Street Tree Canopy.

- A. Purpose. Increase street tree canopy by increasing the number of street trees for a project equal to an amount greater than the standard of one (1) tree per 30 lineal feet, but not to exceed one (1) tree per 20 lineal feet.
- B. Credits. Landscape Standard Reduction. For every one (1) square foot of additional street tree canopy proposed an applicant can request a credit of one (1) square foot toward the landscape standard.
- C. Standards. Landscape Standard Reduction credits for Additional Street Tree Canopy shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.1.C.

2. The additional Street Tree canopy is calculated based on the square footage of additional street tree canopy at 10 years maturity.
3. The additional street tree canopy is calculated only for those trees in excess of the standard of one (1) tree per 30 lineal feet.
4. The additional street tree is an accepted street tree as specified in the City of Beaverton's *Approved Tree List* and *Street of Trees Tour Guide*.

2. Site Soil Amendment.

- A. Purpose. Site Soil Amendment within proposed landscape areas for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.
- B. Credits. Use of the following credits is limited to the amount Site Soil Amendment proposed. One (1) square foot of Site Soil Amendment results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Site Soil Amendment.
 1. Landscape Standard Reduction. For every one (1) square foot of Site Soil Amendment proposed an applicant can request a credit of one and one-half (1.5) square feet toward the landscape standard.

Standards. Landscape Standard Reduction credits for Site Soil Amendment shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.2.B.

2. **Landscape Island Standard Reduction.** For every one (1) square foot of Site Soil Amendment proposed an applicant can request a credit of one and one-half (1.5) square feet toward the landscape island standard limited to 50 percent of the landscape island standard for the project site.

Standards. A request for Landscape Island Standard Reduction credits for Site Soil Amendment shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

- a. **Credit Limit.** The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project based upon the minimum number of parking spaces required for the subject site divided by applicable standard of Section 60.05.20.5.A.

3. Disconnect Downspouts.

- A. **Purpose.** Disconnect a downspout directing the roof stormwater to a rain garden for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.
- B. **Credits. Landscape Standard Reduction.** Projects that disconnect downspouts from directly entering the piped municipal storm water system can count each square foot of roof area drained toward one-quarter (0.25) square feet of the landscape standard for the subject site. This credit is in addition to credits received for the rain garden, Section 60.12.40.B.5, that the roof stormwater is directed to flow into.
- C. **Standards. Landscape Standard Reduction credits for Disconnecting a Downspout(s)** shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 1. **Credit Limit.** The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.3.

- D. Disconnection of downspouts will also be reviewed with a Building Permit.

4. Eco-roof.

- A. Purpose. Install an Eco-roof equal to at least 10 percent of the building footprint for projects located in multiple-use, multiple-family residential, commercial, and industrial zoning districts.
- B. Credits. Use of the following credits is limited to the amount Eco-roof proposed. One (1) square foot of Eco-roof results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Eco-roof.

1. Building Height Increase, Multiple-Use Zoning Districts.

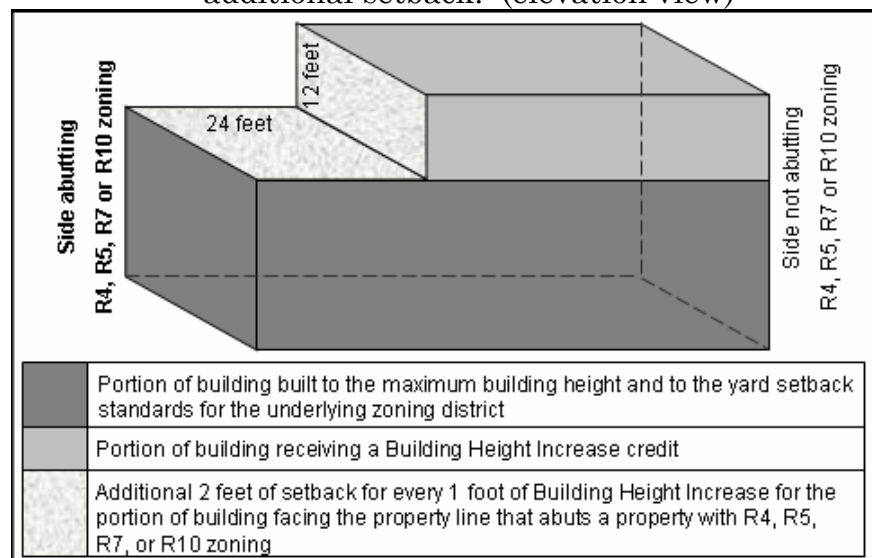
- a. For a proposal that includes an Eco-roof that is at least 10 percent but less than 30 percent of the building's footprint, an applicant can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of Eco-roof.
- b. For a proposal that includes an Eco-roof that is at least 30 percent but less than 60 percent of the building's footprint, an applicant can request an increase in building height up to 24 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than two (2) times the square footage of Eco-roof.
- c. For a proposal that includes an Eco-roof that is at least 60 percent of the building's footprint, an applicant can request an increase in building height up to 36 feet within the building footprint.

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60.12.40.4.B.1.d

- d. Standards. Building Height Increase credits for installation of an Eco-roof in a Multiple-Use zoning District shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.
- (1). Credit Limit. The proposed Building Height Increase does not exceed the relative 12, 24, or 36 foot standard outlined in a, b, or c, above.
 - (2). The square footage of the building footprint receiving the building height increase shall be equal to or less than three (3) times the square footage of Eco-roof.
 - (3). When abutting an R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with
additional setback. (elevation view)

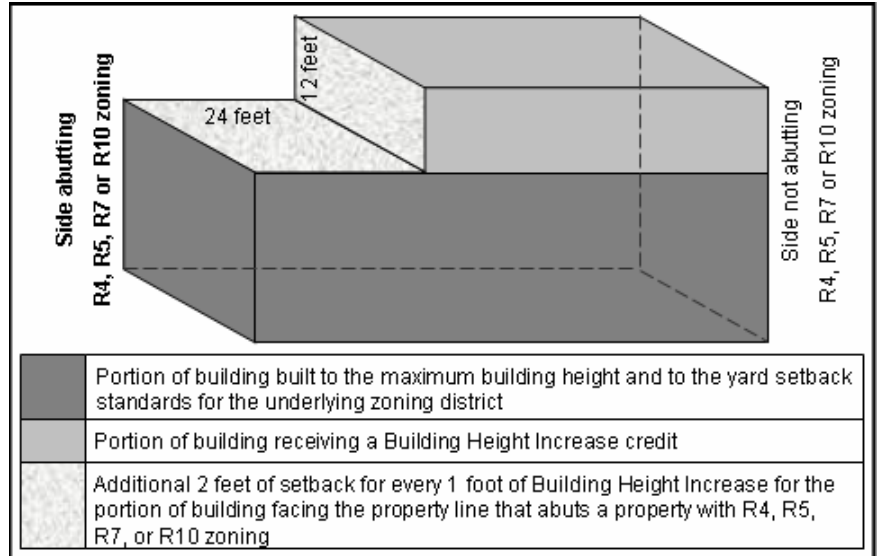


60.12.40.4.B.1.d.

- (4). The building receiving the height increase shall be the building with the Eco-roof.
 - (5). The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
- 2. Building Height Increase, Multiple-Family, Commercial and Industrial Zoning Districts.
 - a. For every one (1) square foot of Eco-roof proposed an applicant can request a credit of one (1) square foot toward an increase in building height up to 12 feet within the building footprint.
 - b. Standards. Building Height Increase credits for installation of an Eco-roof in a Multiple-Family, Commercial or Industrial Zoning Districts shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.
 - (1). Credit Limit. The proposed Building Height Increase does not exceed 12 additional feet for an area equal to the building footprint.
 - (2). The square footage of the building footprint receiving the building height increase shall be equal to or less than the square footage of Eco-roof.
 - (3). When abutting an R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

60.12.40.4.B.2.b.

Building Height Increase Example with
 additional setback. (elevation view)



- (3). The building receiving the height increase shall be the building with the Eco-roof.
 - (4). The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
3. Landscape Standard Reduction. For a proposal that includes an Eco-roof, every one (1) square foot of Eco-roof earns one (1) square foot toward the landscape standard for the subject site.

Standards. Landscape Standard Reduction credits for installation of an Eco-roof shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.4.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40.5.

5. Rain Garden.

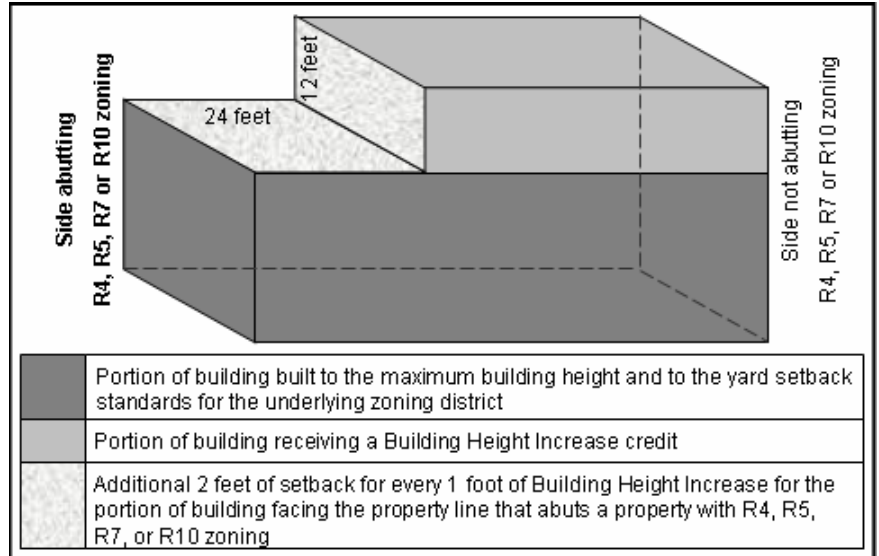
- A. Purpose. Integration of a facility that provides a bio-detention function, bio-retention function, or other vegetated on-site stormwater disposal function within a project site that is located in a multiple-use, multiple-family residential, commercial, or industrial zoning district.
- B. Credits. Use of the following credits is limited to the amount of stormwater that can be retained or detained by the Rain Garden proposed. One (1) cubic foot of stormwater retention or detention results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) cubic foot of stormwater retained or detained by the Rain Garden.
 - 1. Building Height Increase. A proposal for integration of a Rain Garden can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less three (3) square feet for every one (1) cubic foot of water retained or detained by the Rain Garden, not to exceed the square footage of the building footprint.

Standards. Building Height Increase credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

- a. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district.
- b. When abutting an R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

60.12.40.5.B.1.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be located within the project site where the Rain Garden is proposed.
 - d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.
2. Landscape Island Standard Reduction. For every one (1) cubic foot of water retained or detained in the design of a proposed Rain Garden that is located within the design of the parking lot(s) for a project site, an applicant can request a credit of one and one-half (1.5) square feet toward the landscape island standard.

Standards. Landscape Island Standard Reduction credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

- a. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 75 percent of the landscape island standard for the project site.

60.12.40.5.B.

3. Landscape Standard Reduction. For every one (1) cubic foot of water retained or detained in the design of a proposed Rain Garden, an applicant can request a credit of three (3) square feet toward the landscape standard.

Standards. Landscape Standard Reduction credits for installation of a Rain Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.5.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 75 percent of the landscape standard for the project site.
- C. Standards. Proposals that request credits for integration of a Rain Garden(s) shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Sections 60.12.40.5.B.1. through 60.12.40.5.B.3.
1. The rain garden shall be designed to capture thirty-six hundredths (0.36) of an inch of rainfall in a four (4) hour period, minimum. The maximum bonus given shall be for a design that captures three (3) inches of rainfall in a 24 hour period (approximately a five-year storm) equivalent volume, even if part of a larger storm detention facility intended to meet the City's 25-year storm event requirement.
 2. The rain garden shall be located on the site or abut the site in a right-of-way so that it is visible to the public from sidewalks that provide access to the project.
 3. Any retaining walls proposed around the Rain Garden shall be less than or equal to 30 inches in height.
 4. Landscape planting plans for the rain garden shall be prepared with consideration to sun and shade conditions.

60.12.40.5.C.

5. There shall be no vertical obstruction with northern exposure of greater than four (4) feet directly adjacent to the rain garden. The minimum distance from such a north facing vertical obstruction to the rain garden shall be half the height of the vertical obstruction.
6. The design and location of the rain garden shall be approved as part of the overall project during development review.
8. If not within a public right-of-way, the property owner shall set aside the rain garden in a conservation easement or a separate tract. The conservation easement or tract shall comply with the requirements of Section 60.12.55.2.

6. Rooftop Garden.

- A. Purpose. Integration of a Rooftop Garden in the design of a building(s) located in a multiple-use, multiple-family residential, commercial, or industrial zoning districts.
- B. Credits. Use of the following credits is limited to the amount Rooftop Garden proposed. One (1) square foot of Rooftop Garden results in one credit. Awarding a credit or a combination of credits shall not result in receipt of multiple credits for one (1) square foot of Rooftop Garden.
 1. Building Height Increase. A proposal that integrates a Rooftop Garden can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than one-half (0.5) square foot for every one (1) square foot of Rooftop Garden proposed, not to exceed the square footage of the building footprint.

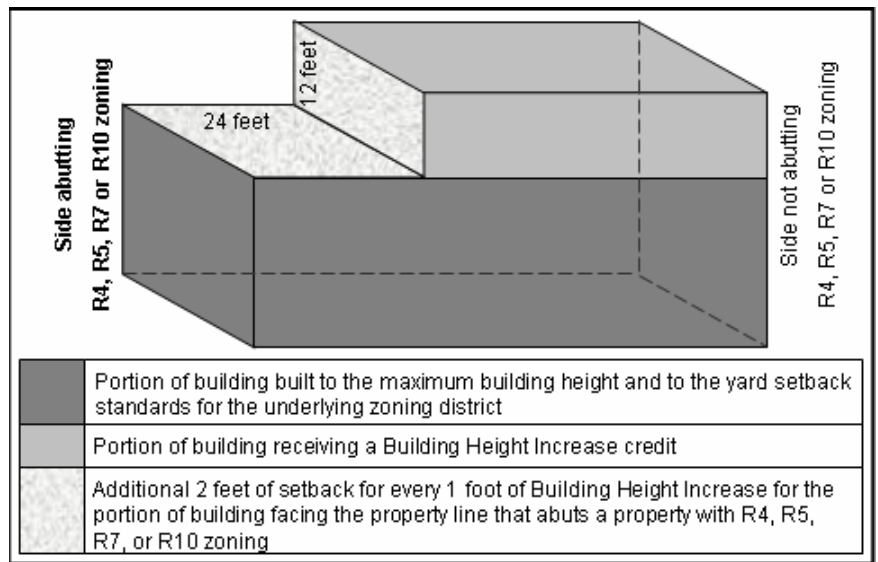
Standards. Building Height Increase credits for integration of a Rooftop Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.6.C.

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60.12.40.6.B.1.

- a. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district
- b. When abutting an R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



- c. The building receiving the height increase shall be the building with the Rooftop Garden.
- d. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.

60.12.40.6.B.

2. Landscape Standard Reduction. For every one (1) square foot of Rooftop Garden constructed an applicant can request a credit toward one and one-half (1.5) square feet of the landscape standard for the project site.

Standards. Landscape Standard Reduction credits for integration of a Rooftop Garden shall satisfy the following standards in addition to the applicable standards of Section 60.12.30 and Section 60.12.40.6.C.

- a. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape island standard for the project site.
- C. Standard. A Rooftop Garden shall be equivalent to at least 25 percent of the building footprint and at least 30 percent of the garden area shall contain live plants. In addition, a proposal for a Rooftop Garden shall satisfy the applicable standards of Section 60.12.30.

7. Integrated Parking.

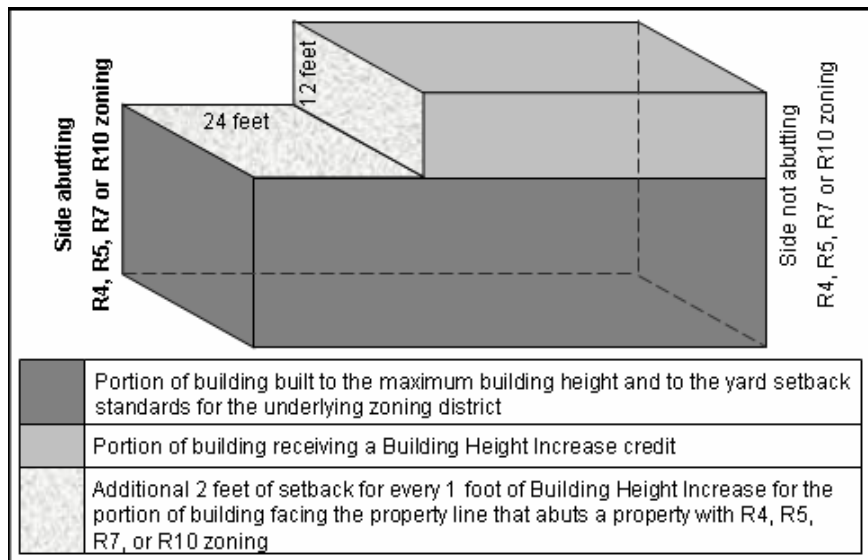
- A. Purpose. Integration of below-grade, tuck-under, or structured parking within the footprint of a building(s) located in a multiple-use, multiple-family residential, commercial, or industrial zoning district or structured parking located in a multiple-use zoning district.
- B. Credit. Building Height Increase. A proposal that includes Integrated Parking can request an increase in building height up to 12 feet within the building footprint. The square footage of the building footprint receiving the building height increase shall be equal to or less than two (2) square feet for every 100 square feet of integrated parking proposed, not to exceed the square footage of the building footprint.
- C. Standards. Building Height Increase credits for Integrated Parking shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.

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60.12.40.7.C.

1. Credit Limit. The proposed Building Height Increase does not exceed 12 feet of height above the standard for the underlying zoning district.
2. For every structured parking space provided there shall be a reduction of at least one surface parking space that otherwise could have been provided within the maximum parking ratio requirements of Section 60.30.
3. When abutting an R4, R5, R7, R10 or RA zoning district, or equivalent County zoning district, the portion of the building(s) receiving the height increase shall be designed with an additional setback from the R4, R5, R7, R10, or RA zoning district, or equivalent County zoning district, of two (2) feet for every one (1) foot of building height increase.

Building Height Increase Example with additional setback. (elevation view)



4. The building receiving the height increase shall be the building with the Integrated Parking.
5. The building receiving the height increase shall not increase the height within 50 feet of the Downtown Historic District or a Historic Landmark.

60.12.40.

8. Trees, Existing Canopy Preservation.

- A. Purpose. Preservation of existing tree canopy within ten (10) linear feet of a proposed surface parking lot and vehicle maneuvering area.
- B. Credit. Landscape Island Standard Reduction. For every one (1) square foot of existing Tree Canopy preserved, an applicant can request a credit of one (1) square foot toward the landscape island standard of Section 60.05.20.5.

EXAMPLE: If an applicant proposes development of a site and the size of the proposed parking lot results in standard construction of five (5) landscape islands equal to an area of 350 square feet and planting of five (5) trees, the applicant can alternately propose preservation of three mature trees within a 200 square foot area and supply two (2) or three (3) landscape islands totaling 175 square feet landscape area with two (2) trees.

- C. Standards. Landscape Island Standard Reduction credits for Existing Canopy Preservation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Island Standard Reduction does not exceed 50 percent of the landscape island standard for the project site.
 - 2. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.
 - 3. The tree(s) that holds the canopy proposed for preservation is proposed for protection as outlined in Section 60.60.20. of this Code for Protected Trees.

9. Trees, Mitigation.

- A. Purpose. Mitigation for removal of non-exempt surveyed tree(s) considered Community Trees, Historic Trees or Street Trees.

60.12.40.9.

- B. Credits. Landscape Standard Reduction. For every one (1) square foot of tree canopy mitigated, an applicant can request a credit toward one-half (0.5) square foot of the landscape standard for the project site.
- C. Standards. Landscape Standard Reductions for Mitigation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.
 - 1. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.
 - 2. Mitigation of Community Trees, Historic Trees or Street Trees under the provisions of this section satisfies the mitigation standards of Section 60.60.25.1 for Significant Individual Trees or trees within Significant Groves or SNRAs.

10. Trees, Preservation.

- A. Purpose. Preservation of at least 25 percent of the total tree canopy square footage of non-exempt surveyed tree(s) considered Community Trees, Historic Trees or Street Trees.
- B. Credit. Landscape Standard Reduction. For every one (1) square foot of tree canopy preserved, an applicant can request a credit toward one (1) square foot of the landscape standard for the project site, limited to 50 percent of the landscape standard for the project site.
- C. Standards. Landscape Standard Reduction credits for Preservation of Trees shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 - 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

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60.12.40.10.C.

2. The proposal satisfies the approval criteria of the applicable Tree Plan application, if any.
3. The Community, Historic or Street tree(s) proposed for preservation under the provisions of this section is proposed for protection during development as outlined by Section 60.60.20. of this Code for Protected Trees.

11. Trees, Box Filter.

- A. Purpose. Integration of a Tree Box Filter(s) and its associated improvements in the design of a project site.
- B. Credits. Landscape Standard Reduction. For every one (1) square foot of proposed site improvements associated with installation of a Tree Box Filter an applicant can request a credit of two (2) square feet toward the landscape standard.
- C. Standards. Landscape Standard Reduction credits for integration of a Tree Box Filter(s) shall satisfy the following standards in addition to the applicable standards of Section 60.12.30.
 1. Credit Limit. The proposed Landscape Standard Reduction does not exceed 50 percent of the landscape standard for the project site.

60.12.40. LOW IMPACT DEVELOPMENT (LID) TECHNIQUES - CREDIT TABLE			
1. Additional Street Tree Canopy			
A. Purpose	Add tree canopy by adding street trees above standard	Propose 1sf additional street tree canopy	
B. Credits		Toward	Amount
	Landscape Standard Reduction	landscape	1 sf
			Limit
			50% landscape std
2. Site Soil Amendment			
A. Purpose	Amend soils for additional water absorption	Propose 1sf amended site soils	
B. Credits		Toward	Amount
	1. Landscape Standard Reduction	landscape	1 sf
			Limit
			50% landscape std
	2. Landscape Island Standard Reduction	landscape island	1 sf
			Limit
			50% landscape island std
3. Disconnect Downspouts			
A. Purpose	Direct roof stormwater runoff to a Rain Garden	Propose 1sf of roof area drained	
B. Credits		Toward	Amount
	1. Landscape Standard Reduction	landscape	0.25 sf
			Limit
			50% landscape std

bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum

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60.12.40.

60.12.40. LOW IMPACT DEVELOPMENT (LID) TECHNIQUES - CREDIT TABLE				
4. Eco-roof				
A. Purpose	Eco-roof to absorb roof stormwater	Propose 1sf of eco-roof		
B. Credits		Toward	Amount	Limit
1. Building Height Increase, Multiple-Use zoning districts				
a.	10% to < 30% of building footprint	bldg footprint	1 sf	12 ft above bldg ht
b.	30% to < 60% of building footprint	bldg footprint	2 sf	24 ft above bldg ht
c.	60% or more of building footprint	bldg footprint	3 sf	36 ft above bldg ht
2. Building Height Increase, Multiple-Family, Commercial, and Industrial zoning districts				
		bldg footprint	1 sf	12 ft above bldg ht
3. Landscape Standard Reduction				
		landscape	1 sf	50% landscape std
5. Rain Garden				
A. Purpose	Bio-detention, bio-retention, or other vegetated facility	Propose 1cu ft of water detained/retained		
B. Credits		Toward	Amount	Limit
1. Building Height Increase				
		bldg footprint	3 sf	12 ft above bldg ht
2. Landscape Island Standard Reduction				
		landscape island	1.5 sf	75% landscape island std
3. Landscape Standard Reduction				
		landscape	3 sf	75% landscape std
6. Rooftop Garden				
A. Purpose	Rooftop improvements to absorb roof stormwater	Propose 1sf of rooftop garden		
B. Credits		Toward	Amount	Limit
1. Building Height Increase				
		bldg footprint	0.5 sf	12 ft above bldg ht
2. Landscape Standard Reduction				
		landscape	1.5 sf	50% landscape std
7. Integrated parking				
A. Purpose	Below-grade, tuck-under, or structured parking	Propose 100 sf of integrated parking		
B. Credits		Toward	Amount	Limit
1. Building Height Increase				
		bldg footprint	2 sf	12 ft above bldg ht
8. Trees, Existing Canopy Preservation				
A. Purpose	Preserve tree canopy within 10 ft of parking & maneuvering	Propose 1sf tree canopy preserved		
B. Credits		Toward	Amount	Limit
1. Landscape Island Standard Reduction				
		landscape island	1 sf	50% landscape island std
9. Trees, Mitigation				
A. Purpose	Mitigate Community, Historic, or Street Tree removal	Propose 1sf tree canopy mitigated		
B. Credits		Toward	Amount	Limit
1. Landscape Standard Reduction				
		landscape	0.5 sf	50% landscape std
10. Trees, Preservation				
A. Purpose	Preserve Community, Historic, or Street Tree canopy	Propose 1sf tree canopy preserved		
B. Credits		Toward	Amount	Limit
1. Landscape Standard Reduction				
		landscape	1 sf	50% landscape std
11. Trees, Box Filter				
A. Purpose	Install Tree Box Filter	Propose 1sf tree box filter & improvements		
B. Credits		Toward	Amount	Limit
1. Landscape Standard Reduction				
		landscape	2 sf	50% landscape std
bldg = building, du = dwelling unit, ft = foot/feet, ht = height, sf = square feet, std = standard, min = minimum, max = maximum				

60.12.45. Maintenance.

1. **Covenant with the City.** An applicant that requests enhancement, mitigation or creation of HBA or integration of LID techniques in association with the provisions of Section 60.12 shall execute a covenant with the City that ensures the preservation, installation, maintenance, and replacement, if necessary, of the HBA or LID improvements and that meets the requirements of Section 60.12.45.1.A., below. Covenants shall be liberally construed for maximum protection of health, safety, and welfare of life and property.
 - A. Content of the covenant. A covenant required by this Code or as a condition of land use approval shall provide that:
 1. The City's need to address a clear and present danger to life or property shall supersede limitations of a covenant;
 2. The owner will comply with all applicable Code requirements and conditions of approval;
 3. If the owner fails to perform under the covenant, the City may at any time seek any available legal or equitable remedy. However, there is a preference for negotiated resolution without the necessity of litigation;
 4. If, within one year of a citation filed by the City for violation under this section, the owner fails to carry out necessary repairs to on-site facilities, or to otherwise restore facilities to their intended functions, the city may terminate occupancy of the site and seek an injunction prohibiting future occupancy of the site while a violation of the covenant exists;
 5. Where the development rights of one site are dependent on the performance of conditions by the owner of another site, the covenants are judicially enforceable by the owner of one site against the owner of another;
 6. The applicant and property owner shall submit to the City of Beaverton a right of inspection allowing City staff or City contracted personnel to inspect the facility for proper function: and

60.12.45.1.A.

7. The city may condition permit or development approval upon provision of a surface and subsurface utility easement notwithstanding the beneficial effect of a covenant under this section.
- B. The covenant shall run with the land. The covenant shall be attached to the deed and be recorded in the appropriate records of Washington County. Proof of the recording shall be made prior to the issuance of any construction permits.
- C. Modifying the covenant.
 1. Modifications to a land use approval or a condition thereof shall be obtained through an amendment to the original land use decision subject to the provisions of Section 50.95 of this Code.
 2. Modifications that do not affect a land use approval or a condition thereof may be amended by written agreement by the parties without undergoing a land use application.
 3. The modified covenant shall run with the land. The modified covenant shall be attached to the deed and be recorded in the appropriate records of Washington County. Proof of the recording shall be made prior to the issuance of any building permits.

2. Preserved HBA

- A. Commercial, Industrial or Multiple-use zoning districts. When preserving HBA in a commercial, industrial or multiple-use zoning district, the property owner shall place the preserved HBA in a conservation easement and shall execute a covenant for preservation and maintenance of the HBA. The conservation easement and covenant documents shall be attached to the deed and be recorded in the appropriate records of Washington County.

60.12.45.

B. Residential zoning districts.

1. Single-family Residential zones. When preserving HBA in a single-family residential development that requires a Land Division application, the property owner shall place the preserved HBA in a separate tract. This tract may be retained by the property owner with the execution of a covenant or the tract may be dedicated to a public entity willing to receive the HBA.
2. Multi-family Residential zones. When preserving HBA in a multi-family residential development that does not require a Land Division application, the property owner shall place the preserved HBA in a conservation easement and shall execute a covenant for preservation and maintenance of the HBA. The conservation easement and covenant documents shall be attached to the deed and be recorded in the appropriate records of Washington County.
3. **Conditions of Approval.** A land use approval shall include conditions of approval that define the specific obligations for the site regarding preservation, installation, maintenance, and replacement of improvements related to preserved HBA or LID technique implementation or both.

60.15. LAND DIVISION STANDARDS. [ORD 4224; August 2002]

60.15.05. Purpose. It is the purpose of this section to establish uniform design and development standards and requirements for all land division applications in Section 40.45 of this Code.

60.15.10. General Provisions.**1. Easements.**

A. The minimum public utility and drainage easements for residential land divisions shall be as follows:

1. A six-foot (6) public utility easement along all front lot lines.
2. A three-foot (3) utility and drainage easement along all side and rear lot lines.

B. Public water, sanitary sewer, and storm drainage lines on private property shall be centered within a permanent easement granted to the City, with a minimum width of fifteen feet (15) along its entire length. The actual required width of an easement may be greater than the minimum required as the required easement width shall be measured from both outside edges of the pipe zone outward to the catch points where the theoretical lines at a 1:1 slope would daylight unless permanent soil reinforcements or other measures are provided to the satisfaction and approval of the City Engineer. No encroachment within a public utility easement of any private utility or structure shall be allowed without prior itemized approval. Under no circumstances, shall these items be placed within the pipe zone. Private utilities that cross public utility easements shall do so as close as practical to right angles with the public utility. The City can not approve any encroachment location which would adversely affect the ability of the City to maintain City utilities. Such easements, when directed by the City, shall be accompanied by temporary easements granted to the City of adequate width to allow construction of water and sewer. The Engineer or developer's surveyor shall provide the City with documents necessary to record the easements. The width of combination easements is evaluated at the site development permit stage on a case-by-case basis.

60.15.10.1.B.

Upon issuance of a Site Development Permit and Final Land Division application, the Director will notify the Washington County surveyor that a cadastral review of the Final Land Division may begin. It is within the authority of the City Engineer or designee to refuse to approve or sign any land partition, partition plat, or subdivision plat for a development that has not installed the necessary public utilities to serve the proposed and affected existing lots. Such approval may be withheld until it can be verified that the location and width of proposed rights of way and easements are adequate for the completed utilities.

- C. Where a land division is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width as will be adequate for the purpose, may be required. Streets or parking ways parallel to water courses may be required.

2. **Building Lines.** The Director may approve special setbacks based upon the consideration for safety, topography, geology, solar access or other such reasons. If special building setback lines are to be established in the land division that are greater than required by this Code, they shall be shown on the final land division and included in the deed restriction.
3. **Dedications.** Public streets, sidewalks, pedestrian ways, bikeways, multi-use paths, parks, open space, and other public rights-of-way required as mitigation for on site or off site impacts in proportion to the identified impacts of the proposed development and reasonably related to the development, shall be dedicated or otherwise conveyed to the City or the appropriate jurisdiction for maintenance. Dedication of any land for park or open space purposes must be approved by the jurisdiction to whom the park or open space is being dedicated prior to Final Land Division approval.
4. **Homeowner Associations and Declarations.** When a Homeowner's Association Agreement or other restrictive covenants are to be recorded with the development, a copy of the appropriate documents shall be submitted with the final plat. The City shall review such documents to ensure that common areas are properly maintained and that other restrictions required by the City are included.

60.15.15. Compliance With Land Division Approvals.

- 1. Requirements Prior to Commencement of Work.** Prior to any construction, improvements or land development, the developer shall perform the following:
 - A. The developer shall file detailed plans and specifications for all public improvements and land development together with a detailed cost estimate to complete such improvements for approval by the City Engineer or designee.
 - B. The developer shall enter into a contract with the City of Beaverton to make, install and complete within the time fixed, but in no case more than two years from the date of execution of said contract without written approval by the City Engineer, City Attorney and the Director, all improvements (Section 60.10.15.3.), land development, or both in accordance with the approved plans. The developer shall cause to be filed with the City Recorder a security acceptable to the City Attorney payable to the City of Beaverton in a principal sum determined from the approved estimate of the costs of said improvements, land development, or both of this section. The security shall assure the performance of the said contract and the completion of the said improvements, or land development, free of liens.
 - C. In cases where both land development and public improvements are to be made, the security required shall be cumulative.
 - D. The amount of the security shall be based on an estimate of the cost of the work approved by the City Engineer in accordance with the following schedule:
 1. Public Improvements = 100% of cost estimate.
 2. Land Development = 100% of cost estimate.
- 2. Improvement Procedures.** All improvements shall conform to the requirements of this Code and any other improvements standards or specifications adopted by ordinance of the City Council and shall be installed in accordance with the following procedure:
 - A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the land division proposal, such plans may be required before Final Land Division approval.

60.15.15.2.

- B. Improvement work shall not be commenced until the developer has secured a site development permit. If work has been discontinued for any reason for a period of time exceeding thirty (30) calendar days, it shall not be resumed until the City has been notified and consented in writing.
- C. All required improvements shall be constructed to the satisfaction of the City Engineer according to Beaverton Code 9.04-010 through .120 and 9.05.005 through .170, the Engineering Design Manual and Standards Drawings, and any amendments thereto. The City may require changes in typical sections and details if unusual conditions arise during construction to warrant such change in the interests of the City or the developer. Upon acceptance of the required improvements, the City Engineer shall notify the developer that the improvements are acceptable pursuant to the Beaverton Code. Acceptance shall be in writing.
- D. All public and private underground utilities installed in streets in accordance with Section 60.65 (Utility Undergrounding), shall be constructed prior to the surfacing of such streets. Stubs for service connections for all public and private underground utilities shall be extended such that future connections thereto will not require cutting above ground street improvements.
- E. Plans showing all public improvements as built shall be filed with the City Engineer upon completion of said improvements.

3. Improvement Requirements. The improvements that are reasonably related and roughly proportional to the impacts of the proposed development that shall be installed at the expense of the developer are as follows:

- A. Streets:
 - 1. All streets, including alleys, within the land division.
 - 2. Streets adjacent to the land division.
 - 3. The extension of the land division streets to the intercepting paving line of existing streets with which the land division streets intersect.

60.15.15.3.A.

4. Streets which intersect with streets within the development that provide ingress or egress to the development or on which there are traffic impacts reasonably related to the development.
 5. All streets shall be built or improved to City standards.
- B. Catch basins. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways.
- C. Monuments and bench mark.
- D. Surface drainage and storm sewer system. Drainage facilities including, but not limited to, conveyance, detention, and water quality facilities, shall be provided within the land division to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage shall be in accordance with the standards established by the City Engineer and shall allow for the extension of the system to serve other areas.
- E. Sanitary sewers. Sanitary sewers shall be installed to serve the land division and to connect the land division to existing mains.
- F. Water system. Water lines with valves and fire hydrants serving the land division, connecting the land division to City mains, shall be installed in conformance with the City specifications. The design and construction by the developer shall provide for extension beyond the land division, for extensions to adequately grid the City system, and for proper connection of adjoining pressure zones, where required.
- G. Street Trees. Street trees shall be planted along street frontages in accordance with the following:
1. For detached dwelling land divisions, the Developer shall pay a fee to the City. The City shall be responsible for tree purchase and planting, and maintenance for one year, consisting of pruning, disease control and watering. The fee shall be based upon a standard of one tree per thirty (30) lineal feet of street frontage, with standard rounding methods applied for fractions thereof. The fee to be charged and collected shall be established and from time to time amended by Resolution of the City Council.

60.15.15.3.G.

2. For all other land divisions, trees shall be planted in accordance with an approved street tree plan.
 3. Trees shall be planted in accordance with the City's Tree Planting and Maintenance Policy.
- H. Bike and pedestrian ways. Bike and pedestrian ways shall be constructed according to City Engineering Design Manual and Standard Drawings.
- I. Pedestrian Circulation. [ORD 4332; November 2004]
1. Walkways are required between parts of a site where the public is invited or allowed to walk.
 2. A walkway into the site shall be provided for every 300 feet of street frontage. A walkway shall also be provided to any accessway abutting the site.
 3. Walkways shall connect building entrances to one another and from building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institution or park use. The City may require connections to be constructed and extended to the property line at the time of development.
 4. Walkways shall be reasonably direct between pedestrian destinations and minimize crossings where vehicles operate.
 5. Walkways shall be paved and shall maintain at least four feet of unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Stairs or ramps shall be provided where necessary to provide a reasonably direct route. The slope of walkways without stairs shall conform to City standards.

60.15.15.3.I.

6. The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. The ADA applies to the walkway that is the principal building entrance and walkways that connect transit stops and parking areas to building entrances. Where the ADA applies to a walkway, the stricter standards of ADA shall apply.
 7. On-site walkways shall be lighted to an average 0.5 foot-candle level. Lighting shall have cut-off fixtures so that no glare is emitted beyond the property line or onto the public right of way.
- J. Other improvements reasonably related to the impacts of the development which may be required in rough proportion to the impacts of the proposed development at the partial or total expense of the developer.
1. Improvement of streets providing primary access to land division streets.
 2. Signals, traffic control devices, and traffic calming devices.
 3. Intersection improvements.
 4. Fences, privacy screens, retaining walls, and sound walls.
 5. Slope stabilization and erosion control.
 6. Parks and open space shall be improved as required by the City and appropriate jurisdiction.
- K. Street Lights. Street lights shall be installed in accordance with City standards.
- L. Curb cuts and driveway installations are not required of the developer but, if installed, shall comply with City standards.
4. **Maintenance Security.** The developer shall enter into a contract with the City of Beaverton to ensure the continued maintenance of all required improvements in a manner consistent with Section 9.05 Site Development of the Municipal Code.

60.15.15.

5. Grading. [ORD 4332; November 2004]

- A. When grading a site within twenty-five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:
1. 0 to 5 feet from property line. Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
 2. More than 5 feet and up to and including 10 feet from property line. Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
 3. More than 10 feet and up to and including 15 feet from property line. Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
 4. More than 15 feet and up to and including 20 feet from property line. Maximum of eight (8) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
 5. More than 20 feet and up to and including 25 feet from property line. Maximum of ten (10) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
- B. Notwithstanding the requirements of subsection A.1. above, grading within 25 feet of a property line shall not change the existing slopes by more than ten percent within a tree root zone of an identified significant grove or tree, or an identified historic tree located on an abutting property unless evidence provided by a certified arborist supports additional grading that will not harm the subject grove or tree. For the purpose of this standard, the tree root zone extends the same distance from a tree trunk as the tree canopy.

Mobile and Manufactured Home Regulations

60.20. MOBILE AND MANUFACTURED HOME REGULATIONS

(ORD 3191, November 1980; ORD 3739, Aug. 1990; ORD 3846, April 1993; ORD 3899, May 1994)

60.20.05. Purpose. The purpose of these regulations is to establish criteria for the placement of mobile homes and manufactured homes within the City of Beaverton. Mobile homes and manufactured homes provide a wider choice of housing types suitable for a greater range of households, lifestyles and economic levels of present and anticipated populations. Mobile homes and manufactured homes will be located and shall comply with all applicable City and State standards. (ORD 3899)

60.20.10. Mobile Home Subdivisions.

1. Mobile Home subdivisions are permitted uses in the R-5 zone. (ORD 3739) In addition to the standards of the zone in which the proposals are located and the other standards of this ordinance, they shall comply with all applicable State standards and other City standards for a subdivision. No other types of residential units, other than mobile homes and manufactured homes, shall be located in subdivisions of this type. The placement of manufactured homes in a mobile home subdivision shall be governed by Section 60.20.20 of this ordinance.
2. Standards for the placement of mobile homes on individual lots within a mobile home subdivision:
 - A. The mobile home shall have an Oregon insignia (ORD 3739) No reconstruction or equipment installation shall have been made to a mobile home unless it has been approved by the State as evidence by the appropriate insignia.
 - B. A mobile home shall be attached to a foundation for which a building permit has been obtained.
 - C. The mobile home shall be connected to a public water supply and sewage disposal system.
 - D. The wheels, tongue and traveling lights of the mobile home shall be removed.

Mobile and Manufactured Home Regulations**60.20.10.2.**

- E. In the event a mobile home is removed after installation, the property owner shall within 120 days either replace the mobile home with another approved mobile home or remove the foundation, mobile home accessory buildings and other structures on the property. At the time of mobile home is removed, water, sewer and all other utilities shall be disconnected as may be specified by the City. The City may make the removal and disconnection and place a lien against the property for the cost of the work if the owner fails to perform the work within a specified time.
- F. The mobile home shall be owned by the owner of the lot on which it is installed.
- G. Except for a structure which conforms to the State definition of a mobile home accessory structure, no extension shall be attached to a mobile home.
- H. The mobile home shall have a roof with a minimum slope of sixteen percent (16%) (2:12), and have composite or shake roof, or other roofing materials approved by the Director. [ORD 4332; November 2004]
- I. The mobile home shall be double wide or wider.
- J. The underside of the floor shall be a minimum of 18 inches above ground level at any point.
- K. Mobile home siting shall conform to lot area, yard dimensions and all other dimensional requirements of the zone in which it is located.

60.20.15. Mobile Home Park Regulations.

- 1. Mobile home parks are permitted uses in the R-5 zone. They are conditional uses in the R-2 zone, subject to Section 40.15 (ORD 3739). Density for the mobile home parks shall be compatible with the zone in which they are located and calculated according to Chapter 90. Mobile home parks shall be subject to the following standards:
 - A. The design for the mobile home park shall conform to all applicable State standards established by the State of Oregon, Department of Commerce mobile home park standards (effective - February 1, 1979).

60.20.15.1.

- B. All mobile homes shall have an Oregon insignia. (ORD 3739)
No reconstruction or equipment installation shall be made to a mobile home unless it has been approved by the State as evidenced by the appropriate insignia.
- C. The mobile home park shall occupy at least one acre.
- D. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by State Law.
- E. Each mobile home shall be connected to a public water supply and sewer disposal system.
- F. A mobile home and any attached accessory structure shall not be located closer than:
 - 1. Fifteen (15) feet from any other mobile home.
 - 2. Ten (10) feet from any detached accessory building or other building located within the mobile home park.
 - 3. Five (5) feet from a mobile home park property line.
- G. Except for a structure which conforms to the State definition of a mobile home accessory structure, no extension shall be attached to a mobile home.
- H. Mobile homes shall be installed under the provisions of the administrative rules adopted by the Oregon Department of Commerce (adopted February 1, 1979).
- I. A mobile home shall have continuous perimeter skirting installed pursuant to State regulations. Skirting shall be of the same material and finish as the exterior of the mobile home or otherwise approved by the Director.
- J. Except for non-conforming mobile homes as described in 2., below, a mobile home shall contain a minimum floor area of 800 square feet of gross floor area. The size shall exclude the tongue of the mobile home.
- K. The wheels, tongue and traveling lights of the mobile home shall be removed.

Mobile and Manufactured Home Regulations

60.20.15.1.

- L. The underside of the floor area shall be a minimum of 18 inches above ground level at any point.
- M. The internal street system shall conform to the standards specified by the City Engineering Design Manual and Standard Drawings. [ORD 4224; August 2002]
- N. Setbacks for a mobile home park property shall be the same as the zone in which it is located.
- O. Landscaping shall be equivalent to 15% of the area of the park.

[ORD 4332; November 2004]

- 2. Mobile home parks existing at the adoption of this ordinance not meeting the standards set forth herein shall be considered nonconforming and are subject to the nonconforming use provisions of this ordinance. Nonconforming mobile homes in such parks may be replaced with like mobile homes when they are moved or destroyed.
- 3. Mobile homes not meeting the size requirements set forth in subsection 1.L. above, which at the adoption of this ordinance are located in approved mobile home parks in the City, shall be considered nonconforming structures and may continue to remain or to be moved to another mobile home park.
- 4. Mobile home parks and subdivisions are prohibited in commercial and industrial districts. (ORD 3739)

60.20.20. Manufactured Homes. (ORD 3899)

- 1. Manufactured Homes are permitted on individual lots in the RA, R-5, R-7, and R-10 zones subject to the siting and design standards listed below:
 - A. The manufactured home shall be multisectional ("double-wide" or wider) and enclose a floor area of at least 1000 square feet;
 - B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 12 inch limitation will not apply.

60.20.20.1.

- C. The manufactured home shall have a pitched roof with a slope not less than a nominal 3 feet in height for each 12 feet in width;
- D. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit authority
- E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as identified under ORS 455.010.
- F. The manufactured home shall have a garage or carport constructed of like materials.
- G. A manufactured home shall have continuous perimeter skirting installed. Skirting shall be of the same material and finish as the exterior of the manufactured home. Pressure treated wood, concrete, brick, or stone shall be used.
- H. A manufactured home shall not be sited abutting any structure or property identified as a Historic District, Preservation District or Landmarks.
- I. All manufactured homes shall utilize at least two of the following design features:
 - 1. dormers
 - 2. recessed entries
 - 3. cupolas
 - 4. bay or bow windows
 - 5. attached garage
 - 6. window shutters
 - 7. a roof with a pitch greater than nominal 3/12
 - 8. off-sets on building face or roof (minimum 12")
 - 9. gables
 - 10. covered porch or entry
 - 11. pillars or posts
 - 12. eaves (minimum 6")
 - 13. tile or shake roof
 - 14. horizontal lap siding

60.25. Off-Street Loading Requirements. [ORD 4224; August 2002]

60.25.05. Applicability. No building or structure subject to the off-street loading requirements of this section shall be erected, nor shall any such existing building or structure be altered so as to increase its gross floor area to an amount exceeding 25% more than its existing gross floor area, without prior provisions for off-street loading space in conformance with the requirements of this section.

60.25.10. Loading Berth Design. Required off-street loading space shall be provided in berths which conform to the following minimum specifications:

1. Type A berths shall be at least 60 feet long by 12 feet wide by 15 feet high, inside dimensions with a 60 foot maneuvering apron.
2. Type B berths shall be at least 30 feet long by 12 feet wide by 14 feet 6 inches high, inside dimensions with 30 feet maneuvering apron.

60.25.15 Number of Required Loading Spaces. The following numbers and types of berths shall be provided for the specified uses. The uses specified below shall include all structures designed, intended or arranged for such use. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as a use which is most similar.

		AGGREGATE FLOOR AREA (SQ. FT.)	BERTHS REQUIRED	TYPE
USE				
1.	Freight terminals, Industrial plants, Manufacturing or wholesale establishments, Warehouses.	12,000 - 36,000	1	A
		36,001 - 60,000	2	A
		60,001 - 100,000	3	A
		each additional 50,000 or fraction thereof	1 additional	A
2.	Auditoria, Motel, Convention Halls, or Sports Arenas. (ORD 3293; Nov. 1982)	25,000 - 150,000	1	B
		150,001 - 400,000	2	B
		each additional 250,000 or fraction thereof	1 additional	B

SPECIAL REQUIREMENTS**Off-Street Loading****60.25.15.**

3.	Hospitals, Residential Care Facilities. [ORD 4036; March 1999]	10,000 - 100,000	1	B
		over 100,000	2	B
4.	Department stores, retail establishments, funeral homes, restaurants, and commercial establishments not otherwise specified.	7,000 - 24,000	1	B
		24,001 - 50,000	2	B
		50,001 - 100,000	3	B
		each additional 50,000 or fraction thereof	1 additional	B
5.	Hotels, Extended Stay Hotels or Office Buildings. [ORD 3958; June 1996]	25,000 - 40,000	1	B
		40,001 - 100,000	2	B
		each additional 100,000 or fraction thereof		
6.	Schools	over 14,000	1	B
7.	<u>Concurrent different uses.</u> When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the decision making authority but in no event shall the loading requirements be less than the total requirement for each use based upon its aggregate floor area.			

60.25.20 Loading Facilities Location.

1. The off-street loading facilities required for the uses mentioned in this Code shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.
2. No space for loading or unloading vehicles shall be so located that a vehicle using such loading space projects into any public street. Loading space shall be provided with access to any alley, or if no alley adjoins the lot, with access to a street. Any required front, side or rear yard may be used for loading unless otherwise prohibited by this Code.

60.25.25 Loading Determination. Off-Street loading requirements may be modified pursuant to Section 40.50. (Loading Determination)

60.30. OFF-STREET PARKING

60.30.05. Off-Street Parking Requirements. Parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building or use which is erected, enlarged, altered, or maintained in accordance with the requirements of Sections 60.30.05 to 60.30.20.

1. Availability. Required parking spaces shall be available for parking operable passenger automobiles and bicycles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for parking of trucks used in conducting the business or use.
2. Vehicle Parking. Vehicle parking shall be required for all development proposed for approval after November 6, 1996 unless otherwise exempted by this ordinance. The number of required vehicle parking spaces shall be provided according to Section 60.30.10.5.
3. Bicycle Parking. [ORD 3965, October 1996] Bicycle parking shall be required for all multi-family residential developments of four units or more, all retail, office and institution developments, and at all transit stations and park and ride lots which are proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and the Engineering Design Manual. [ORD 4397; July 2006]

[ORD 4107; May 2000]

60.30.10 Number of Required Parking Spaces. Except as otherwise provided under Section 60.30.10.10., off-street vehicle, bicycle, or both parking spaces shall be provided as follows:

1. Parking Calculation. Parking ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.
2. Parking Categories.
 - A. Vehicle Categories. Contained in the table at Section 60.30.10.5. are vehicle parking ratios for minimum required parking spaces and maximum permitted number of vehicle parking spaces to be provided for each land use. These requirements reflect the parking requirements of Title 2 of Metro's Urban Growth Management Functional Plan.

60.30.10.2.A.

1. Minimum Number of Required Parking Spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.
2. Parking Zone A. Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter mile walking distance of bus transit stops that have 20 minute peak hour transit service or one-half mile walking distance of light rail station platforms that have 20 minute peak hour transit service.
3. Parking Zone B. Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located within one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both, or that have a greater than 20 minute peak hour transit service. Parking Zone B areas also include those parcels that are located at a distance greater than one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both.
4. Dual Parking Zones. If a parcel is partially located within Parking Zone A, then the use(s) located on the entire parcel shall observe the Parking Zone A parking ratios. Specifically exempted from this requirement are parcels located within the Regional Center - East zoning district. In the cases in the Regional Center - East zoning district where parcels are bisected by the boundary of Parking Zones A and B, the applicable maximum parking ratios may be averaged, and that average may be applied over the whole parcel. [ORD 4107; May 2000]

60.30.10.2.

- B. Bicycle Categories. The required minimum number of short-term and long-term bicycle parking spaces for each land use is listed in Section 60.30.10.5.
1. Short-term Parking. Short-term bicycle parking spaces accommodate persons that can be expected to depart within two hours. Short-term bicycle parking is encouraged to be located on site within 50 feet of a primary entrance, or if there are site, setback, building design, or other constraints, bicycle parking shall be located no more than 100 feet from a primary entrance in the closest available area to the primary entrance as determined by the decision-making authority.
 2. Long-Term Parking. Long-term bicycle parking spaces accommodate persons that can be expected to leave their bicycle parked longer than two hours. Cover or shelter for long-term bicycle parking shall be provided. School buildings are exempted from the requirement to cover long-term bicycle parking.
 3. Bicycle parking shall be designed, covered, located, and lighted to the standards of the Engineering Design Manual and Standard Drawings. [ORD 4302, May 2004]
 3. Ratios. In calculating the required number of vehicle and bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number. In calculating the required number of vehicle and bicycle parking spaces, fractions less than 0.5 shall be rounded down to the nearest whole number. [ORD 3965, October 1996]
 4. Uses Not Listed. For uses not specifically mentioned in this section, the requirements for off-street parking facilities for vehicles and bicycles shall be determined with a Parking Requirement Determination (Section 40.55.1) [ORD 4224; August 2002]
 5. Parking Tables. The following tables list the required minimum and maximum vehicle and bicycle parking requirements for listed land use types.

60.30.10.5

PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES

Land Use Category		Required Parking Spaces		Maximum Permitted Parking Spaces	
		Multiple Use Zones	All Other Zones	Zone A	Zone B
Residential Uses					
	Detached dwellings (per unit)	1.0	1.0	n/a	n/a
	Attached dwellings				
	One bedroom (per unit)	1.0	1.25	1.8	1.8
	Two bedroom (per unit)	1.0	1.50	2.0	2.0
	Three or more bedrooms (per unit)	1.0	1.75	2.0	2.0
	Dwellings, Live/Work (per unit)	1.25	1.25	1.8	1.8
	Dwelling, Accessory Unit	1.0	1.0	1.8	1.8
	Mobile Homes (per unit)	1.0	1.0	2.0	2.0
	Residential Care Facilities (per bed, maximum capacity)	0.25	0.5	0.5	0.5
	Rooming, Boarding, or Lodging Houses (per guest room)	0.5	0.5	1.0	1.0
Commercial Amusements					
	Arena / Stadium (per seat, maximum occupancy)	n/a	n/a	0.25	0.25
	Movie Theaters (per seat, maximum occupancy)	0.3	0.3	0.4	0.5
	Sports Clubs / Recreational Facilities	4.3	4.3	5.4	6.5
	Tennis / Racquetball Courts	1.0	1.0	1.3	1.5
Institutions					
	Hospital (per bed)	2.0	2.0	3.0	4.0
	Public Buildings or other Structures	2.7	2.7	3.4	4.1
	Welfare or Correctional Institution (per bed)	0.3	0.3	0.5	0.75

[ORD 4107; May 2000] [ORD 4224; August 2002]

- Notes: 1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.
2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.
3. Refer to Section 60.30.10.10. for exceptions.

SPECIAL REQUIREMENTS

Off-Street Parking

4. In calculating the required number of vehicle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.

60.30.10.5.

PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES

Land Use Category	Required Parking Spaces		Maximum Permitted Parking Spaces	
	Multiple Use Zones	All Other Zones	Zone A	Zone B
Commercial Uses				
Retail, including shopping centers	3.0	3.3	5.1	6.2
Offices, Administrative Facilities	2.7	2.7	3.4	4.1
Bank, Financial Institutions	3.0	3.3	5.4	6.5
Service Businesses	3.0	3.0	5.1	6.2
Rental Businesses, including vehicle and trailer rental	2.7	3.3	3.5	4.1
Medical, Dental Clinics	3.9	3.9	4.9	5.9
Mortuaries (per seat, maximum occupancy)	0.25	0.25	0.5	0.75
Eating, Drinking Establishments				
Fast Food with drive through service in the RC-TO, SC-MU, and SC-HDR zones.	5.0	n/a	12.4	14.9
Fast Food with drive through service in all other zones.	10.0	10.0	12.4	14.9
Other eating, drinking establishments in the RC-TO, SC-MU, and SC-HDR zones.	5.0	n/a	19.1	23.0
Other eating, drinking establishments in all other zones.	10.0	10.0	19.1	23.0
Temporary Living Quarters (per guest room)	1.0	1.0	1.25	1.5

[ORD 4107; May 2000]

- Notes: 1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.
2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.
3. Refer to Section 60.30.10.10. for exceptions.
4. In calculating the required number of vehicle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.

60.30.10.5.

PARKING RATIO REQUIREMENTS FOR MOTOR VEHICLES

Land Use Category		Required Parking Spaces		Maximum Permitted Parking Spaces	
		Multiple Use Zones	All Other Zones	Zone A	Zone B
Places of Assembly					
	Places of Worship (per seat at maximum occupancy)	0.25	0.25	0.6	0.8
	Auditoria, meeting facilities; Social or Fraternal Organizations (per seat, maximum occupancy)	0.25	0.25	0.5	0.5
	Educational Institutions: College, University, High School, Commercial School (spaces / number of FTE students and FTE staff)	0.2	0.2	0.3	0.3
	Educational Institutions: Middle School, Elementary School (spaces / number of FTE staff)	1.0	1.0	1.5	1.5
	Nursery Schools, Day or Child Care Facilities (spaces / number of FTE staff)	0.8	1.5	2.0	2.0
	Library, museum, art gallery	2.5	2.5	4.0	6.0
	Park and Ride facilities	n/a	n/a	n/a	n/a
	Transit Centers	n/a	n/a	n/a	n/a
Industrial					
	Manufacturing	1.6	1.6	2.0	2.0
	Storage warehouse, wholesale establishment, rail or trucking terminal, vehicle or trailer storage.	0.3	0.3	0.4	0.5
Limited Industrial					
	Research Facilities	2.5	2.5	3.4	3.4

[ORD 4107; May 2000] [ORD 4224; August 2002]

- Notes:
1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.
 2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.
 3. Refer to Section 60.30.10.10. for exceptions.

SPECIAL REQUIREMENTS

Off-Street Parking

4. In calculating the required number of vehicle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.

60.30.10.5.

PARKING RATIO REQUIREMENTS FOR BICYCLES

Land Use Category	Minimum Required Bicycle Parking Spaces	
	Short Term	Long Term
Residential Uses		
Detached dwellings	Not required	Not required
Two and three attached dwellings	Not required	Not required
4 or more attached dwellings	2 spaces or 1 space per 20 dwellings	1 space per dwelling
One, two and three family dwellings	Not required	Not required
Multi-family dwelling containing 4 or more dwelling units	2 spaces or 1 space per 20 dwelling units	1 space per dwelling unit
Mobile Homes	Not required	Not required
Residential Care Facilities (per bed, based upon maximum capacity)	1 space per 100 beds	1 space per 50 beds
Rooming, Boarding, or Lodging Houses (per guest room)	Not required	1 space for every 10 guest rooms
Commercial Amusements		
Arena / Stadium / Theater (spaces per number of seats)	2 spaces or 1 space per 200 seats	2 spaces or 1 space per 1,000 seats
Bowling Alley	1 space per 4,000 sq. ft. of floor area	1 space per 4,000 sq. ft. of floor area
Dance Hall, Skating Rink	1 space per 500 sq. ft. of floor area	1 space per 4,000 sq. ft. of floor area

[ORD 4224; August 2002]

- Notes:
1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.
 2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.
 3. Refer to Section 60.55.65 for additional bicycle facility requirements.

SPECIAL REQUIREMENTS

Off-Street Parking

4. In calculating the required number of bicycle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.
5. Where an option is provided under bicycle parking, whichever standard results in the greater number of bicycle parking spaces is the minimum number required. "Not required" means that the provision of bicycle parking is at the option of the property owner.

60.30.10.5.

PARKING RATIO REQUIREMENTS FOR BICYCLES

Land Use Category	Minimum Required Bicycle Parking Spaces	
	Short Term	Long Term
Commercial Amusements - continued		
Recreational Facility	2 spaces, or spaces to meet the combined requirements of the uses being conducted	2 spaces, or spaces to meet the combined requirements of the uses being conducted
Commercial Uses		
Retail, including shopping centers	2 spaces or 1 space per 12,000 sq. ft. of floor area	2 spaces or 1 space per 12,000 sq. ft. of floor area
Offices, Administrative Facilities	2 spaces or 1 space per 8,000 sq. ft. of floor area	2 spaces or 1 space per 8,000 sq. ft. of floor area
Bank, Financial Institutions	2 spaces or 1 space per 8,000 sq. ft. of floor area	2 spaces or 1 space per 8,000 sq. ft. of floor area
Medical, Dental Clinics	2 spaces or 1 space per 20,000 sq. ft. of floor area	2 spaces or 1 space per 10,000 sq. ft. of floor area

- Notes:
1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.
 2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.
 3. Refer to Section 60.55.65 for additional bicycle facility requirements.
 4. In calculating the required number of bicycle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.
 5. Where an option is provided under bicycle parking, whichever standard results in the greater number of bicycle parking spaces is the minimum number required. "Not required" means that the provision of bicycle parking is at the option of the property owner.

60.30.10.5.

PARKING RATIO REQUIREMENTS FOR BICYCLES

Land Use Category		Minimum Required Bicycle Parking Spaces	
		Short Term	Long Term
Commercial Uses - continued			
	Eating, Drinking Establishments	2 spaces or 1 space per 4,000 sq. ft. of floor area	2 spaces or 1 space per 4,000 sq. ft. of floor area
	Mortuaries	Not required	1 space
	Automotive Service, Minor	2 spaces or 1 space per 5,000 sq. ft. of floor area	2 spaces or 1 space per 5,000 sq. ft. of floor area
	Truck, trailer, and automobile rental	Not required	2 spaces
	Temporary Living Quarters	Not required	1 space per 50 guest units
Places of Assembly			
	Auditoria, meeting facilities	1 space per 10,000 sq. ft. of floor area	2 spaces
	Places of Worship	1 space per 10,000 sq. ft. of floor area	2 spaces
	Social or Fraternal Organizations	2 spaces, or spaces to meet the combined requirements of the uses being conducted	2 spaces, or spaces to meet the combined requirements of the uses being conducted

- Notes:
1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.
 2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.
 3. Refer to Section 60.55.65 for additional bicycle facility requirements.
 4. In calculating the required number of bicycle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.
 5. Where an option is provided under bicycle parking, whichever standard results in the greater number of bicycle parking spaces is the minimum

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number required. “Not required” means that the provision of bicycle parking is at the option of the property owner.

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PARKING RATIO REQUIREMENTS FOR BICYCLES

Land Use Category		Minimum Required Bicycle Parking Spaces	
		Short Term	Long Term
Places of Assembly - continued			
	Educational Institutions: College, University, Commercial School (spaces / number of FTE students and FTE staff)	Not required	4 spaces per classroom
	Educational Institutions: High School (spaces / number of FTE staff)	Not required	1 space per 18 students
	Educational Institutions: Middle School, Elementary School (spaces / number of FTE staff)	Not required	1 space per 9 students
	Nursery Schools, Day or Child Care Facilities (spaces / number of FTE staff)	Not required	1 space per classroom
	Library, museum, art gallery	1 space per 2,500 sq. ft. of floor area	1 space per 10,000 sq. ft. of floor area
	Park and Ride facilities	Not required	5% of auto spaces
	Transit Centers		
	Bus	Not required	2 spaces per bus bay
	Light Rail (per station)	Not required	10 spaces
<i>Institutions</i>			
	Hospital	1 space per 100 beds	1 space per 50 beds
	Welfare or Correctional Institution (per bed)	1 space per 100 beds	1 space per 50 beds

- Notes:
1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.
 2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.
 3. Refer to Section 60.55.65 for additional bicycle facility requirements.

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4. In calculating the required number of bicycle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.
5. Where an option is provided under bicycle parking, whichever standard results in the greater number of bicycle parking spaces is the minimum number required. "Not required" means that the provision of bicycle parking is at the option of the property owner.

60.30.10.5.

PARKING RATIO REQUIREMENTS FOR BICYCLES

Land Use Category		Minimum Required Bicycle Parking Spaces	
		Short Term	Long Term
Industrial			
	Manufacturing	Not required	2 spaces, or 1 space per 20,000 sq. ft. of floor area
	Storage warehouse, wholesale establishment, rail or trucking terminal, vehicle or trailer storage.	Not required	2 spaces, or 1 space per 80,000 sq. ft. of floor area

- Notes:
1. Parking ratios are based on number of spaces per 1,000 square feet of gross floor area unless otherwise noted.
 2. Refer to Section 60.30.10.4. for uses not listed in Section 60.30.10.5.
 3. Refer to Section 60.55.65 for additional bicycle facility requirements.
 4. In calculating the required number of bicycle parking spaces, fractions equal or more than 0.5 shall be rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.
 5. Where an option is provided under bicycle parking, whichever standard results in the greater number of bicycle parking spaces is the minimum number required. "Not required" means that the provision of bicycle parking is at the option of the property owner.
 6. Exceeding Parking Ratios. More parking spaces for motor vehicle and bicycle parking may be required as a condition of a Conditional Use. Variation from the specified minimum or maximum number of required motor vehicle and bicycle parking spaces may be approved by the City subject to Section 40.95., Variances, of this Code. However, if the maximum permitted number of parking spaces and any parking in excess of the maximum permitted is located in a parking structure, the parking ratios may be exceeded without requiring an approval of a Variance for parking.

Any parking in excess of the number of required parking spaces may be designed to any of the City standards for off-street parking lot design. The Facilities Review Committee may recommend approval of parallel parking spaces or other non-standard designs for excess parking in any zone. [ORD 4224; August 2002]

60.30.10.

7. Residential Parking Dimensions. For all residential uses, any required parking space shall not be less than 8 1/2 feet wide and 18 1/2 feet long. (See also Section 60.30.15., Off-Street Parking Lot Design for other standards.) [ORD 4312; June 2004]
8. Parking Space Calculation.
 - A. Multiple Uses. In the case of multiple uses, the total requirements for off-street vehicle and bicycle parking facilities shall be the sum of the requirements for the various uses computed separately.
 - B. Spaces which only meet the requirements of one establishment may serve more than one establishment on the same parking lot, provided that sufficient evidence is presented which shows that the times of peak parking demand for the various establishments do not coincide, and that adequate parking will be available at all times when the various establishments are in operation.
9. Location of Required Vehicle Parking
 - A. All parking spaces provided shall be on the same lot upon which the use requiring the parking is located. Upon demonstration by the applicant that the required parking cannot be provided on the same lot upon which the use is located, the Director may permit the required parking spaces to be located on any lot within 200 feet of the lot upon which the use requiring the parking is located. [ORD 4107; May 2000] [ORD 4224; August 2002]
 - B. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by an access that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.
 - C. In R-10, R-7, and R-3.5 zones parking and loading spaces may be located in side and rear yards and may be located in the front

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yard of each dwelling unit only if located in the driveway area leading to its garage.

- D. Parking in the front yard is allowed for each dwelling unit in the driveway area leading to its garage. Also, one additional space shall be allowed in that area in front of the required side yard and closest to the driveway subject to the following conditions:

60.30.10.9.D.

1. The owner of the lot upon which the space is sought shall enter into a written agreement allowing the space with the owner of the property on that side closest to the proposed additional space. This agreement shall be binding on the successors in interest to the property of both parties and shall be recorded with the Washington County Department of Records and Elections.
 2. Notwithstanding the agreement of the property owners, the additional space shall not be allowed if it creates a traffic sight obstruction.
 3. The additional space shall be hard surfaced.
10. Exceptions. (ORD 3358) Exceptions to the required vehicle and bicycle parking standards as listed in Section 60.30.10.5. may be granted in the following specific cases:
- A. **Vehicle Parking Reduction for Transit Amenities:** [ORD 3965, October 1996] Any existing use or proposed use on an existing transit route may apply for and the City may reduce the number of required vehicle parking spaces by either five percent or ten percent through provision of a pedestrian plaza. The property owner shall initiate the request for parking space reduction through the City application process.
1. A five percent credit may be approved if:
 - a. The pedestrian plaza is adjacent to a transit route with transit service currently available, and is within 1/4 mile of a major transit stop on that route. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop,
 - b. The pedestrian plaza is open to the public,
 - c. The pedestrian plaza is at least 200 square feet exclusive of connecting walkways,

60.30.10.10.A.1.

- d. A bench, landscaping and trash receptacle is provided as part of the pedestrian plaza. (Landscaping shall not exceed 50 percent of the total area.), and
 - e. The property owner provides a parking analysis demonstrating to the City's satisfaction that the vehicle parking demand for the existing or proposed use will be met with the reduction in place.
2. A ten percent credit may be approved if:
- a. The pedestrian plaza is adjacent to a transit route with transit service currently available, and is within 1/4 mile of a major transit stop on that route. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop,
 - b. The pedestrian plaza is open to the public,
 - c. The pedestrian plaza is at least 300 square feet exclusive of connecting walkways,
 - d. A transit shelter (if required by Tri-Met and the City), landscaping and trash receptacle is provided as part of the pedestrian plaza. (Landscaping shall not exceed 50 percent of the total area.), and
 - e. The property owner provides a parking analysis demonstrating to the City's satisfaction that the vehicle parking demand for the existing or proposed use will be met with the reduction in place.
3. Provision of pedestrian plazas shall be coordinated with Tri-Met through the City's application process and shall be constructed to Tri-Met and City standards.

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- B. Transportation Management Association Participation. [ORD 4107; May 2000] The minimum number of off-street parking spaces may be reduced by as much as ten percent (10%), if the applicant agrees to participate in a Transportation Management Association program approved by the City for the area within which the project is located.
- C. [ORD 4107; May 2000] The minimum number of off-street parking spaces may be reduced by as much as thirty percent (30%) subject to all of the following:
 - 1. The combination of uses will permit shared parking sufficient to justify a reduction in the parking standard and the design of the site and parking, and conditions of operation of parking agreed to by the applicant, will promote parking patterns and parking use consistent with the permitted reduction;
 - 2. The probable long-term occupancy of the building or use, based upon its design, will not generate additional parking demand; and
 - 3. The applicant agrees to participate in a Transportation Management Association approved by the City for the subarea within which the project is located.
- D. Special Needs Residential. The Director may, upon request, allow a reduction in the number of required off-street vehicle and bicycle parking spaces in housing developments for elderly or handicapped persons if such reduction is deemed appropriate after analysis of the size and location of the development, resident auto ownership, number of employees, possible future conversion to other residential uses and other similar relevant factors. (ORD 3108; April 1979)
- E. Temporary uses. Temporary uses authorized by this Code are exempt from bicycle parking requirements.

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- F. For uses located within a 1/4 mile radius of a transit stop, as measured from any portion of a parcel to the centerline of the nearest adjacent public right of way or the center of the station platform, the provision of bicycle parking may be used to reduce minimum vehicle parking requirements at a rate of two long-term bicycle parking spaces per vehicle space, but not more than five percent of the total number of required vehicle parking spaces. The property owner shall provide a parking analysis demonstrating that the vehicle parking demand will be met with the reduced number of vehicle spaces. Bicycle parking used to reduce vehicle parking spaces shall be covered long-term bicycle parking consistent with the Engineering Design Manual and Standard Drawings. [ORD 4365; September 2005]

11. **Compact Cars.** Compact car parking spaces may be allowed as follows:

- A. For residential uses, required vehicle parking spaces shall be provided at standard size pursuant to Section 60.30.10.7. Parking in excess of the required parking may be provided as compact parking subject to Section 60.30.10.6..
- B. For uses other than residential uses, twenty percent (20%) of the required vehicle parking spaces for long term or designated employee parking lots may be compact spaces. The Facilities Review Committee may recommend allowing more than twenty percent (20%) of the required parking spaces to be used for compact car parking when the applicant shows that more compact car spaces are appropriate. [ORD 4224; August 2002]
- C. The Facilities Review Committee may recommend allowing the required parking spaces for short term parking to include spaces for compact cars if the applicant shows that there will be adequate parking for non-compact cars and a method of enforcing the compact car parking is available. [ORD 4224; August 2002]
- D. Compact car parking spaces shall be generally grouped together and designated as such. (ORD 3228; Nov. 1981)60.30.10.

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12. **Carpool and Vanpool Parking Requirements.** [ORD 3965, October 1996] In industrial, institution, and office developments, including government offices, with 50 or more employee parking spaces, at least three percent of the employee parking spaces shall be designated for carpool and/or vanpool parking. For the purposes of this section, carpool is defined as two or more persons per car, and vanpool is defined as five or more persons per van. The carpool/vanpool spaces shall be clearly marked and signed for reserved carpool and/or vanpool parking. The reserved carpool/vanpool parking time may be specified so that the reserved spaces may be used for general parking if the reserved spaces are not occupied after a specific time period, which shall be clearly posted on the sign.

Location: Designated carpool/vanpool spaces shall be the closest employee motor vehicle parking spaces to the building entrance normally used by employees, except for the motor vehicle parking spaces designated for persons with disabilities, which shall be the closest to the building entrance. [ORD 4107; May 2000] [ORD 4302, May 2004]

60.30.15. Off-Street Parking Lot Design. All off-street parking lots shall be designed in accordance with City Standards for stalls and aisles as set forth in the following drawings and tables:

A	=	Parking Angle
B	=	Stall Width
C	=	Stall Depth (no bumper overhang)
D	=	Aisle Width
E	=	Stall Width (parallel to aisle)
F	=	Module Width (no bumper overhang)
G	=	Bumper Overhang
H	=	Backing Area
I	=	Module Intermesh

NOTE:

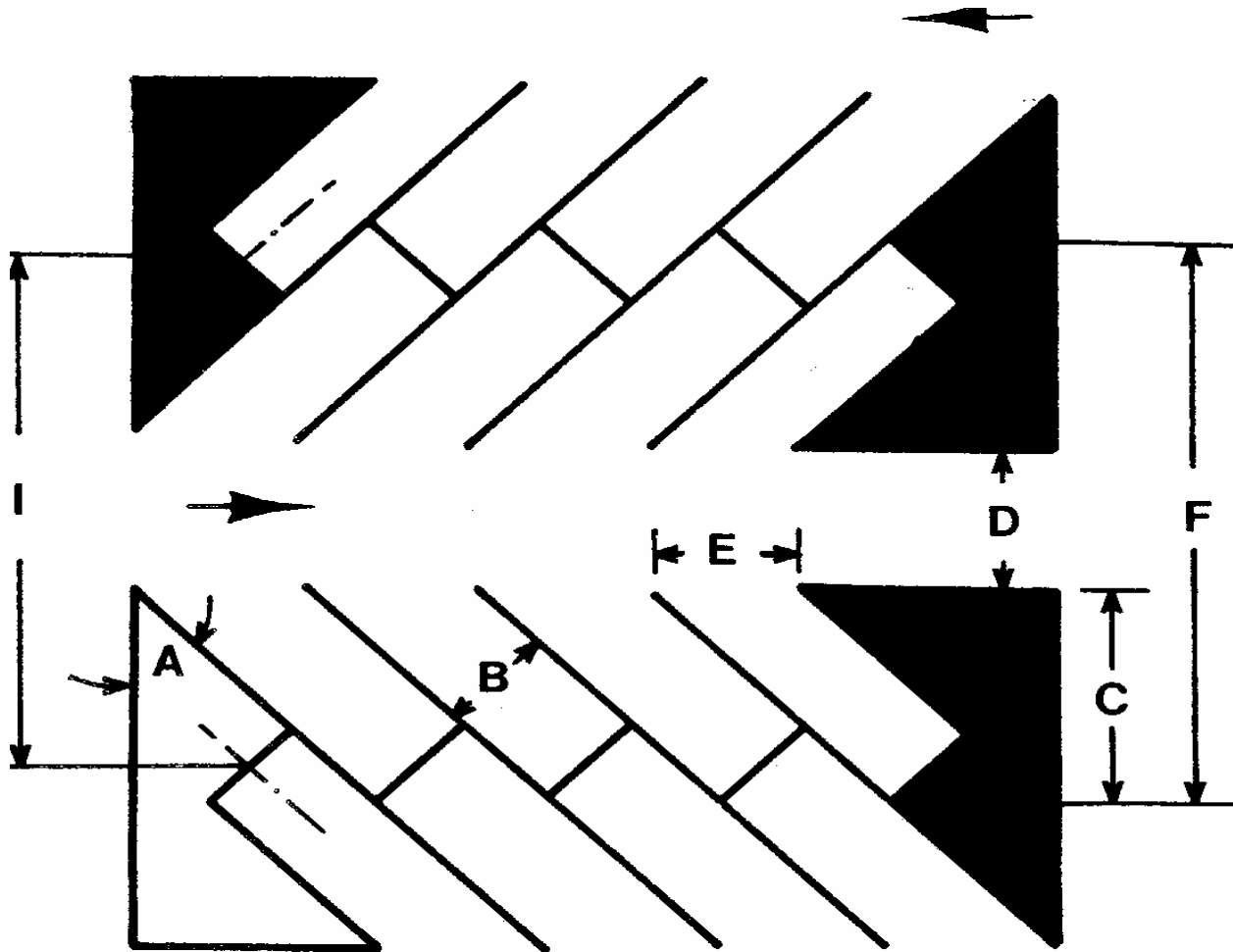
- 1) For one (1) row of stalls use "C" plus "D" as minimum bay width.
- 2) Public alley width may be included as part of dimension "D", but all parking stalls must be on private property, off the public right-of-way.
- 3) For estimating available parking area, use 350 sq. ft. per vehicle for stall, aisle and access areas.
- 4) The stall width for self-parking of long duration is 8.5 feet; for higher turnover self-parking is 9.0 feet; and for supermarkets and similar facilities (shoppers and packages) is 9.5-10 feet.
- 5) The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24 feet. The minimum aisle width for emergency vehicle access (one way traffic) is 20 feet.
- 6) Where appropriate, bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth. Dimensions of required recreational vehicle spaces are 10 feet by 25 feet.
- 7) Except where backing occurs into major access then minimum 30 feet.
- 8) Parking lots in conjunction with government and public buildings, as defined by Chapter 11 of the International Building Code, are to include parking for the handicapped as required in that chapter. These special spaces may be included within the total spaces required. (ORD 3494) [ORD 4365; Sept 2005]

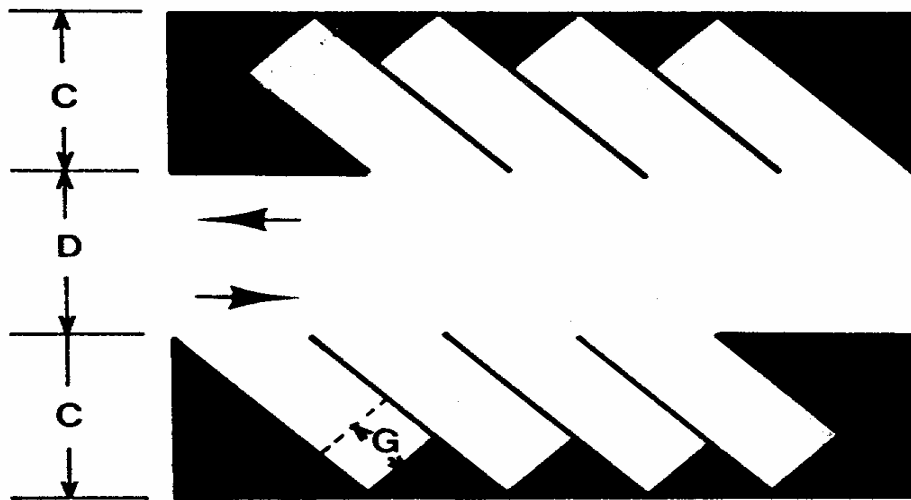
SPECIAL REQUIREMENTS

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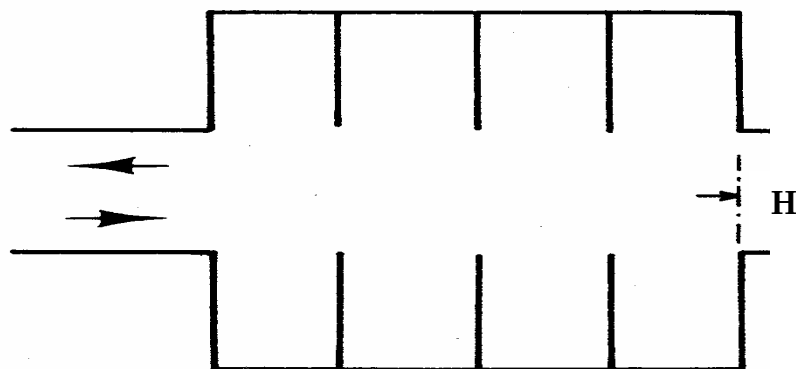
A	B	C	D	E	F	G	H	I
45 degrees	8.5	18.7	12.0	12.0	49.4	2.0	5.0	43.4
60 degrees	8.5	19.8	14.5	9.8	54.1	2.5	5.0	49.9
75 degrees	8.5	19.6	23.0	8.8	62.2	2.5	5.0	60.0
90 degrees	8.5	18.5	24.0	8.5	61.0	3.0	5.0	61.0
90 degrees*	7.5	15.0	24.0	7.5	58.0	2.0	5.0	58.0

*"Compact" Car (Section 60.30.10.)





ANGLE TWO-WAY



90° DEAD END TWO-WAY

- 60.30.20 Off-Street Parking Lot Construction** Every parcel of land hereafter developed for use as a parking area shall conform to the requirements of the *Engineering Design Manual and Standard Drawings*. (ORD 3293; November 1982) [ORD 4302, May 2004] [ORD 4332; November 2004]
- 60.30.25. Enforcement.** The Director is authorized to suspend any permit if the usage of parking by the original use or temporary use or both increases beyond the capacity of the on-site parking or that the use is causing a nuisance to the public or surrounding properties. The Director shall notify the applicant of the Director's intent to suspend the permit and shall provide an opportunity for a hearing prior to suspension. However, in any case where the Director, or any Code Enforcement Officer designated by the Mayor, finds a serious danger to the public health or safety, the Director or Code Enforcement Officer may suspend the permit without a hearing. Upon suspension of a permit, the Director or Code Enforcement Officer may require that the temporary use or structure vacate the site within five working days or can require the use to discontinue operation. The Director shall notify the applicant of the reasons for the action, and the Director shall afford the applicant the opportunity for a hearing within five days from the date of the suspension. The Director may reinstate a suspended permit upon a showing by the applicant that the cause of the suspension has been corrected. Appeal of any decision of the Director shall be pursuant to Section 50.75 of this Code. [ORD 4224; August 2002]

60.33. PARK AND RECREATION FACILITIES AND SERVICES PROVISION [ORD 4388; April 2006]

60.33.05. Purpose. The City of Beaverton has declared Tualatin Hills Parks and Recreation District (THPRD) as the parks and recreation provider for the City (Policy 5.8.1.h. of the Comprehensive Plan). Since THPRD is the parks and recreation provider for the City, annexation to the District will generally be required by the City for all new development or redevelopment of properties that are outside THPRD boundaries. The provisions of this Section are designed to:

1. Ensure that all residents of the City of Beaverton have access to high quality recreational facilities and services; and
2. Require all new development to pay its fair share for the park and recreational system that serves Beaverton.

60.33.10. Annexation to THPRD.

Except as provided in Section 60.33.15, the approval of a conditional use, design review or land division for any property located in the City of Beaverton, and not within THPRD's boundaries, shall be conditional on the submittal of a legally sufficient petition to annex the property to THPRD; issuance of building permits shall be delayed until the annexation is effective. Delay of issuance of building permits until after the annexation is effective may be waived as a condition of approval by the review authority if the applicant agrees in writing to pay the appropriate THPRD Systems Development Charge for all building permits issued prior to the effective date of annexation.

60.33.15. Waiver of Requirement.

Any proposed development that can document to the City's satisfaction that it will provide park land, recreation facilities and services at a level similar to that provided by THPRD may have the requirements of Section 60.33.10 waived by the City. See Section 40.93.15.

60.35. PLANNED UNIT DEVELOPMENT [ORD 4224; August 2002]

60.35.05 Purpose. It is the purpose of these provisions to allow a planned unit development (PUD) in any City zoning district except Residential-Agricultural (R-A). Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The planned unit development provisions are intended to encourage more creative approaches for developing land, while enhancing and preserving the value, spirit, character, and integrity of surrounding areas which have developed or are developing under conventional district regulations. This is to be accomplished by:

1. Utilizing advances in technology and design.
2. Creating a comprehensive development plan which is equal to or better than that resulting from traditional lot-by-lot land development.
3. Employing design flexibility for locating structures, open spaces, circulation facilities, off-street parking areas, and other improvements.
4. Retaining and protecting special topographic, natural, or environmentally sensitive features on the site.
5. Encouraging innovative design techniques.
6. Utilizing design flexibility afforded by the planned unit development provisions to improve compatibility of the development with surrounding properties and uses.
7. Change from specific site development requirement and combinations of uses is allowable, subject to the provisions of this Code.

60.35.10. Modification of Base Zoning Standards**1. Dimensional Standards**

The dimensional standards for the applicable zoning district as listed in Chapter 20 may be modified through approval of a Planned Unit Development, except for the following situations:

- A. Required setbacks shall continue to apply to the parent parcel upon which the proposed PUD will be located.
- B. The intersection standards in Section 60.55.50 shall continue to be satisfied.

60.35.10.1.

- C. All building setbacks shall continue to meet applicable building and fire code requirements.
- D. Maximum building height standards may be increased up to twelve feet (12') when the applicable building setback distance along the perimeter of the parent parcel is increased at a ratio of 1.5 additional feet of setback for every foot of building height over the base zone standard for building height.

2. Allowed Uses.

- A. Except as provided in Section 60.35.10.2.B. below, the uses in a PUD shall comply with the permitted and conditional use requirements of the base zoning district.
- B. Detached and attached dwellings shall be allowed in any PUD provided the overall residential density satisfies the applicable residential density provisions of this Code.
- C. In addition to the accessory uses and structures typical of the uses authorized in the subject zoning district in which the PUD is located, accessory uses approved as a part of a PUD may include the following:
 - 1. Private park, lake or waterway.
 - 2. Recreation area.
 - 3. Recreation building, clubhouse or social hall.
 - 4. Other accessory use or structure which the decision making authority finds is designed to serve primarily the residents of the PUD, and is compatible with the neighborhood and to the design of the PUD.

60.35.15 Common Open Space.

1. A PUD shall be required to provide common open space according to the following rates:
 - A. Area equal to at least twenty percent (20%) of the subject site when the site is up to and including 10 acres in size. [ORD 4365; September 2005]
 - B. Area equal to at least fifteen percent (15%) of the subject site when the site is more than 10 acres and up to and including 50 acres in size. [ORD 4365; September 2005]
 - C. An area equal to at least ten percent (10%) of the subject site when the site is more than 50 acres in size.
2. Land required to be set aside as setbacks or buffers shall not be included in the calculation of required open space.
3. Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed to one of the following:
 - A. An association of owners or tenants, created as a non-profit corporation under the laws of the state which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Attorney as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and shall provide for City intervention and the imposition of a lien against the entire planned unit development in the event the association fails to perform as required; or
 - B. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.

60.40. SIGN REGULATIONS

60.40.05. Purpose. The general purpose of this Chapter is to provide one of the principle means for the implementation of the Beaverton Comprehensive Plan, to ensure the continued aesthetic improvement to the City's environment, and to promote traffic safety, all by classifying and regulating the location, size, design, type and number of signs and related matters.

60.40.10. Signs Exempt from Permits and This Ordinance. The following signs are exempt from this ordinance and do not require permits:

1. Traffic or other governmental street signs, such as railroad crossing signs and notices, as may be authorized by the City.
2. Signs of public utility companies indicating danger, or which serve as an aid to public safety, or which show the location of underground facilities or of public telephones.
3. Signs not visible from public right-of-ways. (ORD 3374)

60.40.15. Signs Subject to Ordinance Regulation - No Permit Required. No permit is necessary before placing, constructing or erecting the following signs; however, such signs shall conform to the regulations as specified.

1. Construction Project Sign. One (1) sign may be erected after appropriate building permits have been obtained. No such sign shall exceed sixty-four (64) square feet total face area and thirty-two (32) square feet per face; nor shall it exceed eight (8) feet in height. The sign shall be removed at the time final occupancy is approved by the City building inspector.
2. Garage Sale Sign. Such signs are allowed in residential zones. They shall not exceed a size per face of four (4) square feet and shall not exceed four (4) feet in height. Such signs shall not be erected prior to one (1) week before this event and shall be removed no later than the day after the event. They shall not be placed in the public right-of-way or vision clearance areas.

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3. Gas Station Price Signs. Until such time as a service station must bring its signs into conformance with this ordinance under Section 60.40.45.2., Time for Conformance, one changeable copy sign shall be allowed for the purpose of advertising gasoline price signs. The sign shall be a one (1) or two (2) faced sign with a maximum of six (6) square feet in area per face and shall be permanently affixed to the building or freestanding sign. When a service station must bring its signs into conformance under Section 60.40.45.2., or when a service station requests new signs, this provision shall become void, and a changeable copy sign shall only be allowed as a portion of allowable signing area for this site and not as an additional sign. (ORD 3374)
4. Name Plate. Graphic information on all name plates shall be limited to the identification of the business name as registered with the State of Oregon. One (1) name plate, not exceeding two (2) square feet total shall be allowed for each occupant; the name plate shall be affixed to the exterior wall of the building. [ORD 4139; January 2001]
5. Non-Commercial Sign. Non-commercial signs shall be allowed as a sign in any zone, subject to the same regulations as signs in the particular zone and counted in the quantity limitations of signs for that zone, for each property.
6. Banners. One (1) banner will be allowed either from the date of issuance of building permits until four (4) weeks after issuance of certificates of occupancy, or if no building permit is issued, for four (4) weeks from occupancy of a new business. One banner shall be allowed for multi-family developments. Such banners shall be allowed for no more than four (4) weeks after the final certificate of occupancy for the project. (ORD 3726) [ORD 4332; November 2004]

All banners shall be affixed to exterior wall(s) of the building so as to lie flat. Banners shall not exceed thirty-two (32) square feet in size. [ORD 4139; January 2001]
7. Private Real Estate Transactions. Such signs may be placed as allowed in Sections 60.40.35.5. and 60.40.40.2. of this ordinance.
8. Public Safety and Convenience. Such signs shall not exceed three (3) square feet per face, per sign. (ORD 3374)
9. Window Sign. Such signs shall not exceed twenty percent (20%) of interior window area per window.

60.40.15.

10. Non-commercial Flags. Two non-commercial flags shall be allowed within all zones. (ORD 3374)
11. District, Neighborhood or Major Public Facility Signs. Signs shall not exceed 24" X 30" in size. Placement of signs shall be at locations and in a number and manner determined by the Director and Traffic Engineer to be safe and appropriate for their purpose. All such signs to be owned and maintained by a public agency. (ORD 3464)
12. Temporary Use Sign. Temporary uses as allowed by Section 40.80 of the Development Code, shall be allowed one (1) wall sign thirty- two (32) square feet in area and one (1) double-faced freestanding sign, 16 square feet per face or one (1) single-faced freestanding sign thirty-two (32) square feet in area. The freestanding sign shall not exceed the height of eight feet. A-frame style signs are not allowed. Wall signs must be affixed to a structure. All signs shall be removed from the site when the use ceases operation. (ORD 3494)

60.40.20. Signs Subject to Ordinance Regulation - Permit Required. The following signs are subject to all ordinance regulations and permits are required prior to on-site construction, installation or placement.

1. Changeable Copy Sign. Any sign or portion of a sign permitted by the ordinance may be a changeable copy sign.
2. Fence Sign. Fence signs shall be subject to the same requirements as a freestanding sign and shall not exceed the height of the fence.
3. Freestanding Sign.
4. Real Estate Sign.
5. Wall Sign. [ORD 4139; January 2001]
6. Special Event Sign. The Director shall issue a permit for a special event sign when it is found that its issuance will not be materially detrimental to the public welfare, interest or safety, and not be injurious to adjacent property or improvements. The Director may attach conditions to the permit to ensure compliance with this section.

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7. Projecting Sign and Awning. Such signs and awnings may project up to eight (8) feet beyond a building wall surface, or within two (2) feet of the curb or up to two-thirds (2/3) the width of the sidewalk, whichever is less, as allowed in Section 60.40.35.2. Note: All other signs projecting more than twelve (12) inches from the wall are obstructing signs. [ORD 4107; May 2000]
8. Time and Temperature Sign.
9. Noncommercial Banners or Flags Installed In or Over the Public Right of Way. All signs are to be owned and maintained by a public agency. (ORD 3464, September 1985).
10. Scoreboard Sign. Public and private school and public park facility athletic scoreboards visible from a public right-of-way may include one scoreboard sign that comprises no more than 25 percent of the area of the scoreboard and is no larger than 85 square feet in size, and no portion of the sign shall be located higher than 15 feet above grade on which the sign is located. [ORD 4389; April 2006]

60.40.25. Signs or Advertising Devices Expressly Prohibited. The following signs are prohibited by this ordinance and may not be placed within City limits.

1. Advertising Bench.
2. Advertising Structure (Billboard). Except Garage Sale Signs (Section 60.40.15.2.), Non-Commercial Signs (Section 60.40.15.5) and Real Estate Signs (Section 60.40.40.2.).
3. Flashing Sign.
4. Obstructing Sign.
5. Portable Sign. Except garage sales signs (Section 60.40.15.2.) and real estate signs (Section 60.40.15.7. or 60.40.20.4.), subject to Section 60.40.40.
6. Roof Sign.
7. Rotating or Revolving Sign.

60.40.25.8.

8. Other Prohibitions. In addition to 1. through 7., above, the following are prohibited:
- A. Signs in vision clearance areas as established in Section 60.55.50.
 - B. Pennants, streamers, festoon lights and other similar devices with parts intended to be moved by the wind.
 - C. Signs attached to any tree or public utility pole, other than warning signs issued by public utilities.
 - D. Signs using bare-bulb illumination or lighted so that the immediate source of illumination is visible. This is not intended to prohibit the use of neon as a source of illumination.
 - E. Signs using flame as a source of light.
 - F. Any sign which purports to be or is an imitation of or resembles an official traffic sign or signal, or which bears the words "STOP", "GO", "SLOW", "CAUTION", "DANGER", "WARNING", or similar words.
 - G. Any sign which by reason of its size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control device, or which hides from view from any traffic sign or signal.
 - H. Signs designed or used for the purpose of emitting sound or dispersing smells.
 - I. Signs with a changing electronic message except time and temperature signs.
 - J. Inflatable signs containing advertising or logos.

60.40.30. General Provisions

1. Size. The size of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with a parallelogram or a triangle of the smallest size

60.40.30.

sufficient to cover the entire area of the sign and computing the area of the parallelogram or a triangle. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign. Conforming and/or nonconforming signs in existence at the time of the enactment of this ordinance shall be counted in establishing the permitted area or size of all new signs to be allowed on the property.

2. Height of Sign. The height of a sign shall be measured from the finished ground level, excluding mounds, berms, etc., to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.
3. Finish Ground Level (Grade). The average elevation of the ground adjoining the structure of building upon which the sign is erected.
4. Location. Sign location shall comply with Section 60.55.50. (Intersection Standards) of this ordinance and shall be accurately represented on sign permit applications. (ORD 3374) [ORD 4139; January 2001]

60.40.35. Commercial, Industrial, and Multiple Use Zones. In commercial, industrial, and multiple use zones, as defined in Sections 20.10, 20.15, and 20.20, the following regulations apply: [ORD 4111; June 2000]

1. Wall Sign. [ORD 4139; January 2001] Wall signs, as defined in Chapter 90, shall be allowed for each business and shall be subject to the following regulations:
 - A. The total amount of allowed signage area for an exterior wall shall be determined by measuring the exterior wall length and the exterior wall height, and in no case shall the exterior wall height measurement for the purpose of determining the allowed wall sign area exceed 25 feet.

60.40.35.1.

- B. Wall signs shall not to exceed twenty percent (20%) of a building face. The 20% allowance may be divided among the building faces. For example, ten percent (10%) of two building faces or five percent (5%) of four building faces are allowed. The area of each sign shall be computed by applying the allowable percentage to the exterior wall to which the sign will be attached. For buildings which have multiple tenants, the general allowance of 20% shall be divided among the lessees in proportion to their lease frontages, or in another manner approved by the building owner or the Board in the case of a required sign program. (ORD 3374) (ORD 3494)
 - C. One hundred percent (100%) of the allowed wall sign area may be located on any portion of the exterior wall that is up to twenty-five (25) feet above finished grade and in no case may any portion of a wall sign be higher than one (1) foot below the top of the exterior wall to which it is attached. For exterior walls that are in excess of twenty-five (25) feet in height, twenty-five percent (25%) of the total allowed wall sign area may be located above the twenty-five (25) foot height and in no case may any portion of a wall sign be higher than one (1) foot below the top of the exterior wall to which it is attached.
 - D. The exposed face of the sign shall be in a plane approximately parallel to the face of said exterior wall and not projecting more than twelve (12) inches.
2. Projecting Sign and Awning. Commercial buildings within the Multiple Use zoning districts which have the front building line within five (5) feet of the public right-of-way shall be permitted one (1) projecting sign on the front building face in lieu of a freestanding sign. All projecting signs and awnings must conform to the latest edition of the International Building Code in meeting wind and deadload requirements and must be adequately maintained to prevent deterioration which could be a hazard to pedestrian traffic beneath the sign. Projecting signs and awnings shall project no more than eight (8) feet or two-thirds (2/3) of the width of the sidewalk or to within two (2) feet of the curb, whichever is less, and contain no more than thirty-two (32) square feet per face. Projecting signs and awnings shall have an underneath clearance of eight (8) feet. (ORD 3374) [ORD 4058, August 1999] [ORD 4107; May 2000] [ORD 4365; September 2005]

60.40.35.3.

3. Freestanding Sign. Freestanding signs as defined in Chapter 90 shall be allowed per business establishment or tax lot, whichever is less. Tax lots created by fee simple land division and contiguous tax lots under the one ownership shall be considered one tax lot for the purposes of calculating the number of freestanding signs allowed. (ORD 3494) [ORD 4058, August 1999]

Commercial and Industrial Zoning Districts

	OC	CV	NS	CS	GC	LI	IP	CI
A. Number	1	X	1	1	1	1	1	1
B. Size (Maximum sq. ft. for all faces combined)	64	X	64	64	64	64	64	64
C. Size (Maximum for any one face)	32	X	32	32	32	32	32	32
D. Height Maximum	8'	X	8'	15'	15'	8'	8'	8'

Multiple Use Zoning Districts

[ORD 4058, August 1999] [ORD 4107; May 2000] [ORD 4265; September 2003]

	SA-MU, SA-MDR, SC-MU, SC-HDR, SC-E, TC-MU, TC-HDR, TC-MDR, RC-TO, RC-OT, RC-E	C-MU
E. Number	1	1
F. Size (Maximum sq. ft. for all faces combined)	64	64
G. Size (Maximum for any one face)	32	32
H. Height Maximum	15'	8'

- I. Exception for buildings of three (3) stories or greater. When a building is three (3) stories or greater, a one (1) or two (2) face freestanding sign no greater than one hundred (100) sq. ft. total size and fifty (50) sq. ft. per face, may be erected if no wall sign is used.

60.40.35.3.

J. Exceptions for Number of Allowed Freestanding Signs.

1. When the lineal frontage exceeds 300 feet, an additional freestanding sign shall be permitted for each 300 feet of lineal property frontage. Each freestanding sign must be at least 300 feet from any other freestanding sign on the same site along the lineal property frontage. Where lineal property frontage distance would allow four (4) or more signs 1200 lineal feet of property frontage, two (2) of the freestanding signs may be replaced with one (1) double face sign sixty-four (64) square feet per face and not more than twenty (20) feet in height. (ORD 3494)
2. In the case of a through lot which has a distance of 200 feet or greater at its shortest measurement point between the streets, and the frontages are on streets which have a collector or higher status, a freestanding sign may be placed on each street frontage, so long as all freestanding signs on the lot are a minimum of 200 feet apart. (ORD 3494)

K. Master Sign Program. For developments containing three or more businesses, a master sign program may be proposed by the property owner. Master sign programs shall contain the proposed colors, lettering styles, sizes and the location of wall and freestanding signs for tenants in the development. The general allowance of twenty percent (20%) of exterior wall area for wall signs will be used with the allowable square footage divided among lessees. It shall be the responsibility of the development to administer and control any aspect of a master sign program that is more restrictive than the City's sign regulations. Individual business signs which are part of a master sign program are subject to the permit application process. (ORD 3494) [ORD 4139; January 2001] [ORD 4332; November 2004]

L. Combined Freestanding Signs. Two or more owners of adjacent separate premises zoned for commercial use with freestanding signs may combine their street or highway frontage and erect one (1) freestanding sign with combined square footage per face, but not to exceed the height limitation for the zone, or twenty (20) feet if the combined frontage exceeds 1200 feet. No other freestanding signs shall be permitted on the premises of the owners making such an election.

60.40.35.3.

M. Exception for Temporary Signs at Election Times. During a period not to exceed sixty (60) days prior to any special, primary, or general election, the limitations of this section as to number of freestanding signs shall not apply; provided however, that,

1. No signs shall be erected on public property or in the public right-of-way, and
2. All such signs erected pursuant to this subsection shall be removed no later than ten (10) days following the election. (ORD 3494)

4. Window Sign. Display material on windows shall not cover more than twenty percent (20%) of the window area of each window.

5. Real Estate Signs. One (1) single or double faced wall or freestanding real estate sign as defined in Sections 60.40.20.4. and 60.40.15.7. shall be allowed for each property. The height and size requirements of Section 60.40.35.3. apply, including the exceptions for property with more than 300 feet of lineal frontage.

6. Subdivision Signs in Industrial Zones. Platted subdivisions may have a maximum of four (4) double-faced freestanding signs, for the purpose of identifying the subdivision, eight feet high or less. The face size shall not exceed thirty-two (32) square feet. A subdivision sign shall be located at least 100 feet from any other permitted freestanding sign on the same lot. (ORD 3494)

60.40.40. Residential Zones (R-1, R-2, R-3.5, R-4, R-5, R-7, R-10). In residential zones as identified in 20.05, the following signs are allowed:

1. General Provisions.

A. Authorized Non-residential uses. One (1) indirectly lighted sign not to exceed thirty-two (32) square feet in area per face shall be permitted for an authorized or conditional non-residential use not in conjunction with a home occupation. If the sign is to be freestanding, the maximum height of the sign shall not exceed eight (8) feet. (ORD 3374) (ORD 3494)

60.40.40.1.

- B. Subdivisions and Multi-Family Uses. One (1) single or double faced indirectly lighted sign not to exceed thirty-two (32) square feet per face shall be allowed for each subdivision or multi-family unit development. If the sign is to be freestanding, the maximum height of the sign shall not exceed eight (8) feet. (ORD 3374) (ORD 3494)
- C. Temporary Signs at Election Times. During a period not to exceed sixty (60) days prior to any special, primary or general election, any number of lawful, indirectly lighted signs not exceeding eight feet in height may be erected in residential zones; provided, however, that,
 - 1. No signs shall be erected on public property or in the public right-of-way, and
 - 2. All signs erected pursuant to this subsection shall be removed no later than ten (10) days following the election. (ORD 3494)

2. Real Estate Signs.

- A. Real Estate Signs - Single Family Dwellings. When single-family dwellings are for sale, the owner or the owner's authorized representative may erect the following signs: (ORD 3726)
 - 1. Two (2) double faced signs on the lot, not to exceed four square feet per face. (ORD 3726)
 - 2. An unlimited number of portable signs off the property shall be allowed for advertising single-family or condominium residential property being advertised for sale. Only one sign per tax lot shall be allowed for each property being advertised. These signs shall not exceed four (4) square feet per face. Off premise signs shall not be set out before sunrise and shall be removed at dusk. (ORD 3726)

60.40.40.2.

- B. Real Estate Signs - Multi-Family Developments. When multi-family units are for rent, the owner or the owner's authorized representative may erect the following signs:
1. Two (2) double-faced signs on the lot not to exceed four (4) square feet per face. (ORD 3726) [ORD 4071; October 1999]
- C. Real Estate Signs - New Residential Subdivisions. Signs advertising subdivisions involving more than three (3) contiguous lots shall be limited to one (1) double-faced sign of thirty two (32) square feet per face, or two (2) thirty two (32) square foot single faced signs. Such signs shall be placed on the subdivision or the land in question leased by the subdivider. The sign(s) shall be removed at the end of the two (2) years or when ninety percent (90%) of the subdivision lots contain a completed structure, whichever occurs first. These signs may be externally illuminated. (ORD 3726)
- D. Real Estate Signs - New Multi-family Developments. Signs advertising multi-family developments of three (3) or more units shall be limited to one (1) double-faced sign of thirty two (32) square feet per face, or two (2) thirty-two (32) square foot single-faced signs. Such signs may not be placed earlier than the first issuance of a certificate of occupancy for a residential structure. The sign(s) shall be removed no later than 30 days after the issuance of the final certificate of occupancy for a residential structure, or one (1) year from the first issuance, whichever comes first. These signs may be externally illuminated. (ORD 3726)
- E. Real Estate Signs - Vacant Land. Within any residential zone the owner of the subject property or the owner's authorized representative may erect one (1) sign on a vacant parcel of property not exceeding four (4) square feet in area per face. (ORD 3726)
- F. Any sign listed above shall be erected out of the public right-of-way and out of vision clearance areas. (ORD 3726)

60.40.45. Nonconforming Signs.

1. Conformance. All signs, whether erected in conformance with prior sign regulations or pursuant to a variance, shall conform with this ordinance within the period of time prescribed herein.
2. Time for Conformance.

- A. Except as required under Section 60.40.45.2.C., all signs shall be brought into conformance with these requirements within the following time-frame:

	<u>Time Erected Prior to</u> <u>Effective Date of Ordinance</u>	<u>Conformance Deadline</u> <u>from Date of Ordinance</u>
Phase I	Ten or more years	5 years
Phase II	Five to ten years	7 years
Phase III	0 to five years	10 years

- B. In determining date of erection, the original sign permit date shall be used. Legal signs erected prior to permit processes of previous ordinances shall be considered more than ten (10) years old and shall be brought into conformance within Phase I.
- C. When development takes place as described in Section 40.20.15.3.A. of this ordinance, all signs on the site shall be brought into conformance with this ordinance.
- D. The Director shall notify each owner of a nonconforming sign of the conformance deadline within one (1) year of such deadline, as a public service. Failure to be notified of the deadline shall not relieve the owner of responsibility to conform with this ordinance within the time period herein.
- E. Properties annexed to the City after May 9, 1984 shall follow the same conformance schedule as established in subsection A above; the time for conformance shall be measured from the effective date of annexation rather than May 9, 1984. [ORD 4111; June 2000]

60.40.45.

3. Extension for Conformance.

- A. The Director through Section 40.25 (Director's Interpretation) may authorize an extension of no more than one (1) year where it can be shown that special and unusual circumstances related to a specific piece of property make application of the conformance schedule an undue hardship. This hardship shall not result from the actions of the applicant and shall not merely constitute pecuniary hardship or inconvenience. [ORD 4332; November 2004]
- B. The Director through Section 40.25 (Director's Interpretation) may authorize an exemption from the conformance schedule when it can be shown that the sign is within ten percent (10%) of the combined required size and height limitations of this ordinance. (ORD 3374) [ORD 4332; November 2004]

60.40.50. Administration, Enforcement. In addition to the general enforcement provision of Section 10.70, the following enforcement provisions apply to signs:

- 1. Signs in violation of this ordinance are a Class 1 Civil Infraction and may be processed pursuant to City's civil infraction procedure.
- 2. Signs in violation of this ordinance are a nuisance and may be abated pursuant to the City's nuisance abatement procedures contained in Ordinance No. 1218, as amended.
- 3. The remedies used above are cumulative and do not preclude enforcement of the ordinance through the courts including injunctive relief.

(ORD 3227; Nov. 1981)

60.45. SOLAR ACCESS PROTECTION (ORD 3619, June 1988)**60.45.05. Purpose.**

This ordinance has been developed to provide solar access protection to new development in subdivisions, to new and remodeled single family homes, to structures within single family zoning districts, and to homes which make beneficial use of solar energy.

1. To promote energy conservation and the wise use of the sun as a renewable resource.
2. To implement provisions of the Beaverton comprehensive plan encouraging solar energy.
3. To provide a means of encouraging investment in solar design and solar equipment.

THE FOLLOWING FIGURES ARE REFERENCED THROUGHOUT THE TEXT PERTAINING TO SOLAR ACCESS PROTECTION:

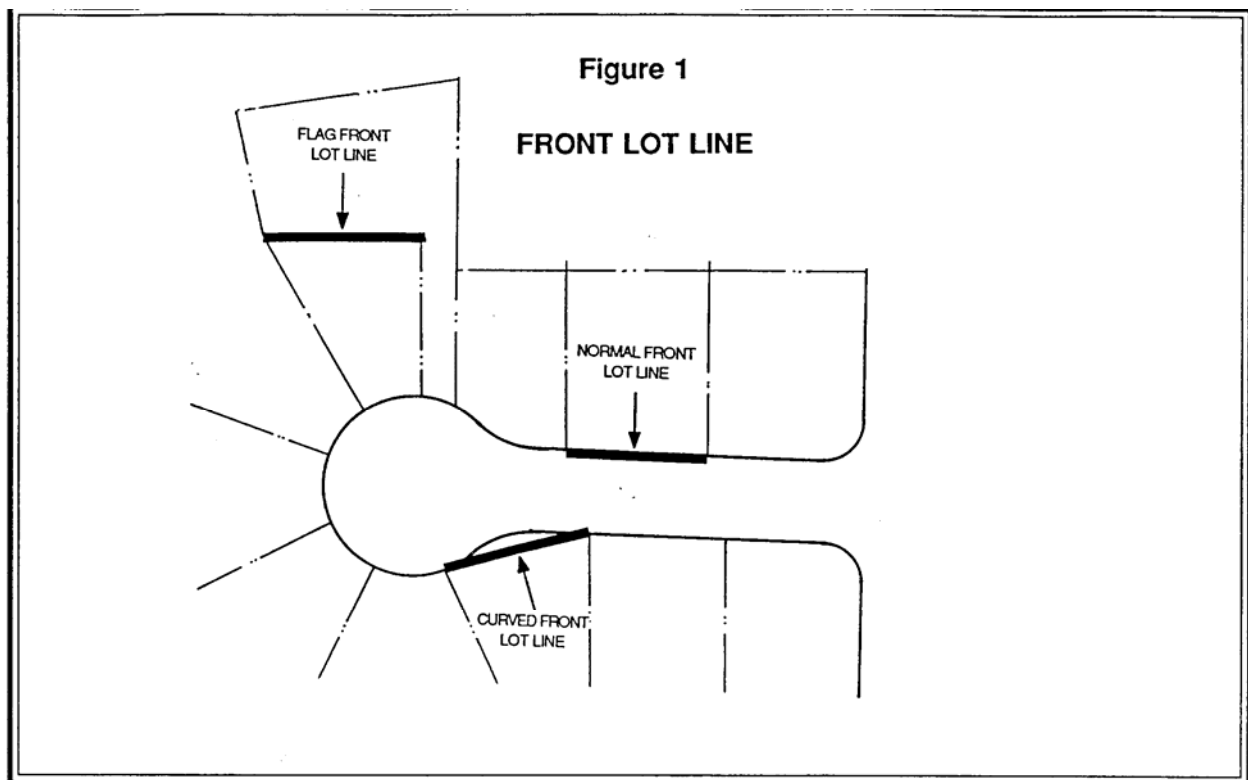


Figure 2

NORTHERN LOT LINE

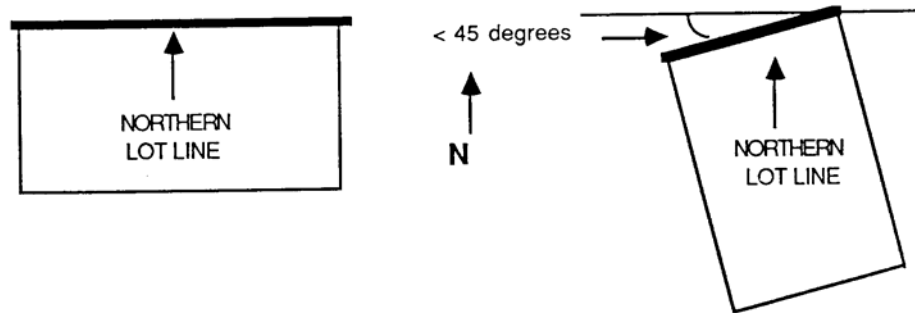


Figure 3

NORTH-SOUTH DIMENSION OF THE LOT

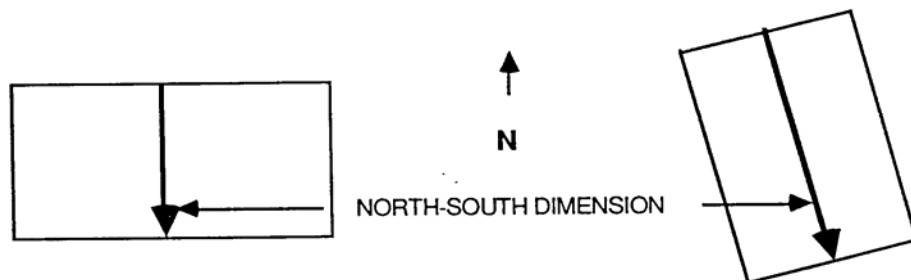


Figure 4

HEIGHT OF THE SHADE POINT OF THE STRUCTURE

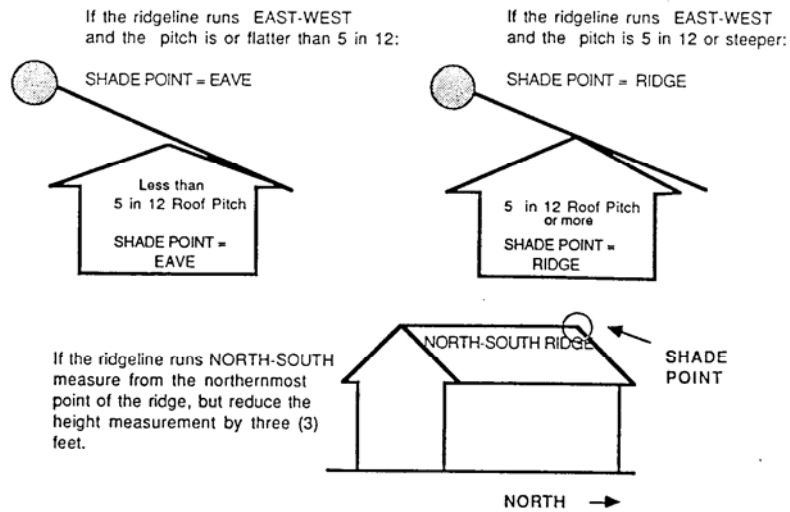
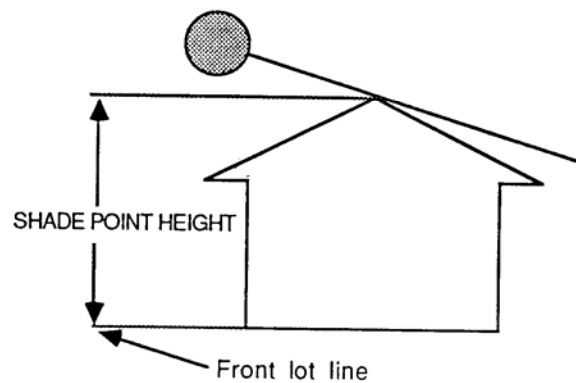


Figure 5

SHADE POINT HEIGHT

Measure to average grade at the front lot line.



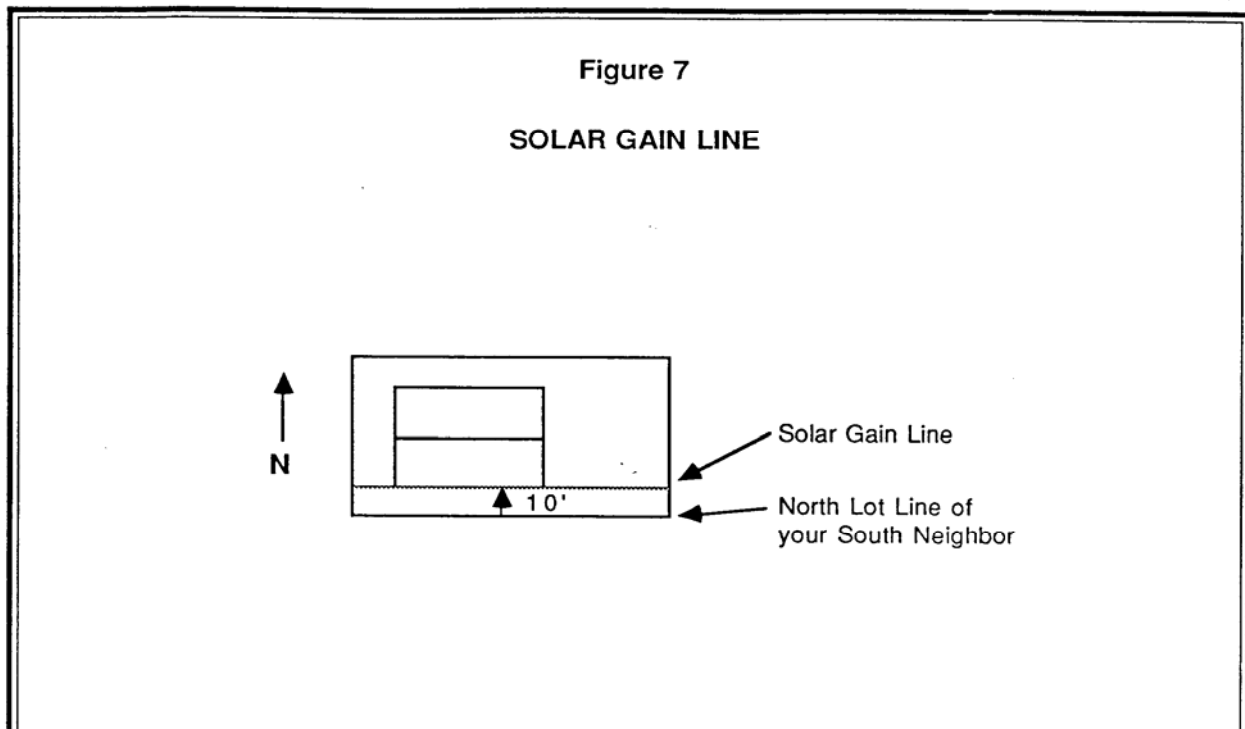
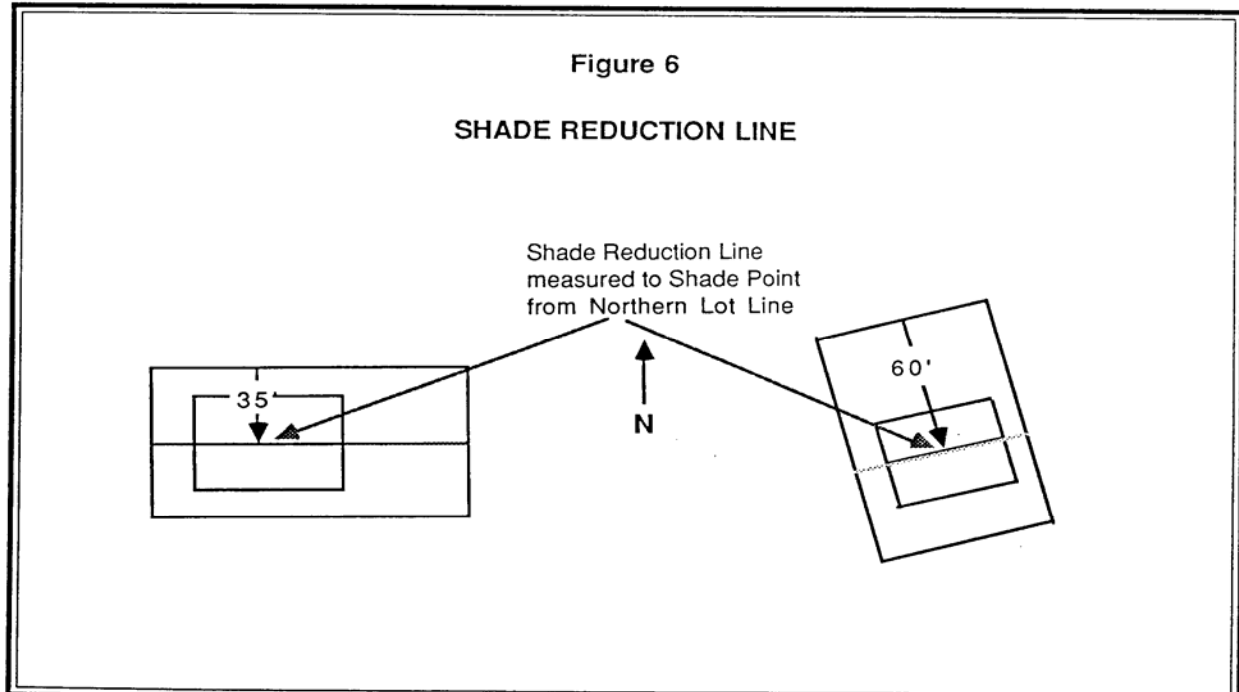
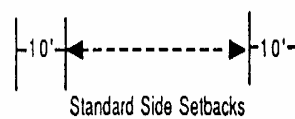
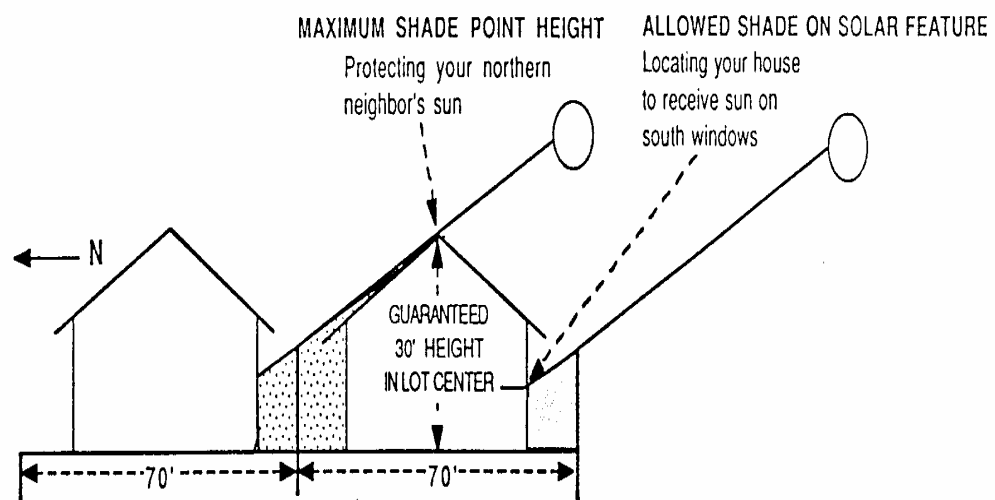


Figure 8

SOLAR BALANCE POINT STANDARD



SETBACK ADJUSTMENTS IF NEEDED
TO MEET SOLAR STANDARDS

Figure 9

SOLAR LOT OPTION 1: BASIC REQUIREMENTS

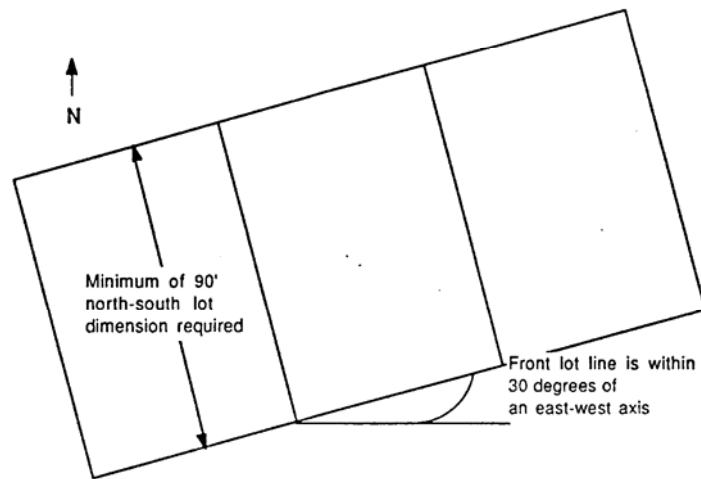


Figure 10

SOLAR LOT OPTION 2: PROTECTED SOLAR BUILDING LINE

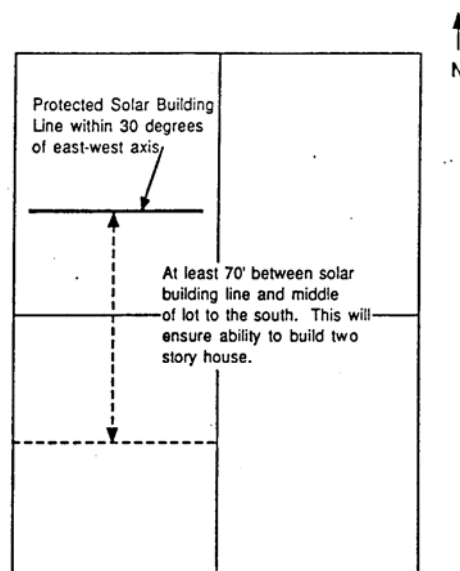


Figure 11

SOLAR ACCESS HEIGHT LIMIT

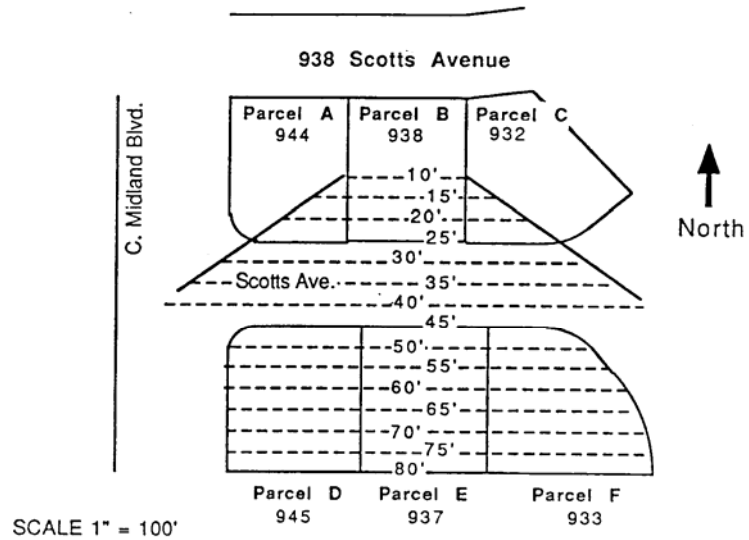
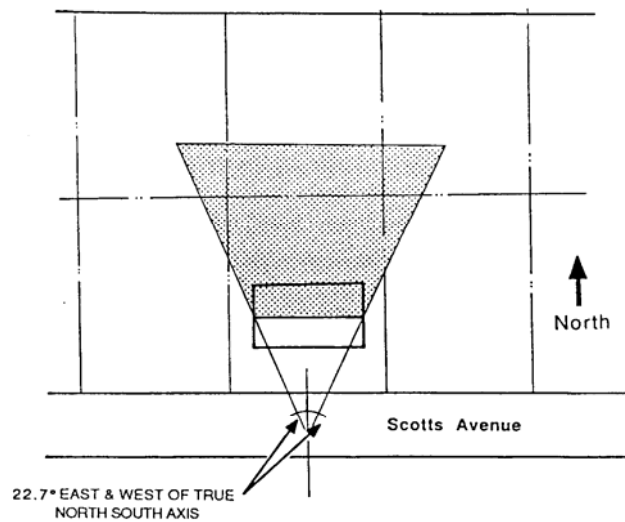


Figure 12

SHADOW PATTERN



60.45.10. Solar Access for New Development.

1. Purpose. The purposes of the solar access ordinance for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.
2. Applicability. The solar design standard in subsection 3., below, shall apply to subdivisions and partitions in the R-10, R-7 and R-5 zones and for single family detached dwellings in any zone, except to the extent the Director finds that the applicant has shown one or more of the conditions listed in subsections 4. and 5., below, exist, and exemptions or adjustments provided for therein are warranted.
3. Design Standard. At least 80 percent of the lots in a development subject to this ordinance shall comply with one or more of the options in this section.
 - A. Basic Requirement (see Figure 9). A lot complies with this Section if it:
 1. Has a north-south dimension of 90 feet or more; and
 2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.
 - B. Protected Solar Building Line Option (see Figure 10). In the alternative, a lot complies with this Section if a solar building line is used to protect solar access as follows:
 1. A protected solar building line for the lot to the north is designated on the plat, or documents recorded with the plat; and
 2. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and
 3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and

60.45.10.3.B.

4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.
- C. Performance Option. In the alternative, a lot complies with this Section if:
- 1) Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80% of their ground floor south wall protected from shade by structures and non-exempt trees; or
 - (2) Habitable structures built on that lot will have at least 32% of their glazing and 500 square feet of their roof area which faces within 30 degrees of south and is protected from shade by structures and non-exempt trees.
4. Exemptions from Design Standard. A development is exempt from this Section if the Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from this Section to the extent the Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with this Section.
- A. Slopes. The site or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.
 - B. Off-site Shade. The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or non-exempt vegetation, which will remain after development occurs on the site from which the shade is originating.
 1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.

60.45.10.4.B.

2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.
4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

C. On-site shade. The site, or a portion of the site for which the exemption is requested, is:

1. Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or
2. Contains non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground which have a crown cover over at least 80% of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph.

If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50% of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The City of Beaverton shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written City approval.

60.45.10.

5. Adjustments to Design Standard. The Director shall reduce the percentage of lots that must comply with this Section to the minimum extent necessary if it finds the applicant has shown one or more of the following site characteristics apply.
 - A. Density and cost. If the design standard in this Section is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g. grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with this Section would reduce density or increase per lot costs in this manner. The applicant shall show which if any of these or other similar site characteristics apply in an application for a development.
 1. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south based on a topographic survey of the site by a professional land surveyor.
 2. There is a significant natural feature on the site, identified as such in the comprehensive plan or development ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.
 3. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
 4. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access. [ORD 4071; October 1999]

60.45.10.5.

- B. Development amenities. If the design standard in this Section applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with this Section is relevant to whether a significant development amenity is lost or impaired.
- C. Existing shade. Non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground have a crown cover over at least 80% of the lot and at least 50% of the crown cover will remain after development of the lot. The applicant can show such crown cover exists using a scaled survey of non-exempt trees on the site or using an aerial photograph.
 - 1. Shade from non-exempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and they do not need to be removed for a driveway or other development.
 - 2. Also, to the extent the shade is caused by on-site trees on land owned by the applicant, it is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.
- 6. Protection from Future Shade. Structures and non-exempt vegetation must comply with the Solar Balance Point requirements for existing lots (Section 60.45.15) if located on a lot that is subject to the solar design standard in this Section, or if located on a lot south of and adjoining a lot that complies with this Section. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection

60.45.10.

7. Process for Approval. Requirements for meeting the provisions of solar access protection shall be processed simultaneously with other application requirements as provided by this ordinance.

60.45.15. Solar Balance Point.

1. Purpose. The purposes of this ordinance are to promote the use of solar energy, to minimize shading of structures and accessory structures, and, where applicable, to minimize shading of structures by trees.
2. Applicability. This ordinance applies to an application for a building permit for all structures in R-10, R-7 and R-5 zones and all single family detached structures and accessory structures in any zone, except to the extent the applicant has shown that one or more of the conditions listed in subsection 5. or 6., below, exists, and exemptions or adjustments provided for there are warranted. In addition, non-exempt vegetation planted on lots subject to the provisions of Section 60.45.10.6. for new development shall comply with the shade point height standards as provided in subsections 4. and 5., below, of this ordinance.
3. Solar Site Plan Required. An applicant for a building permit for a structure subject to this ordinance shall submit a site plan that shows the maximum shade point height allowed under subsection 4., below, and the allowed shade on the proposed structure's solar features as provided in subsection 7., below. If applicable, the site plan also shall show the solar balance point for the structure as provided in subsection 8., below.

60.45.15.

4. Maximum Shade Point Height Standard. The height of the shade point shall comply with either subsection 4.A. or 4.B. below.

- A. Basic Requirement. The height of the shade point shall be less than or equal to the height specified in Table A or computed using the following formula. If necessary interpolate between the 5 foot dimensions listed in Table A.

$$H = \frac{(2 \times \text{SRL} - N + 150)}{5}$$

Where: H = the maximum allowed height of the shade point (see Figure 4 and Figure 5);

SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 6); and

N = the north-south lot dimension, provided that a north-south lot dimension more than 90 feet shall use a value of 90 feet for this section.

Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table A for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

60.45.15.4.

TABLE A**MAXIMUM PERMITTED SHADE POINT HEIGHT**
(In Feet)

Distance to Shade Reduction Line from northern lot line (in feet)	North-south lot dimension (in feet)												
	100+	95	90	85	80	75	70	65	60	55	50	45	40
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40	41	42
45	30	30	30	31	32	33	34	35	36	37	38	39	40
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

- B. Performance Option. The proposed structure, or applicable non-exempt vegetation, will shade not more than 20 percent of the south-facing glazing of existing habitable structure(s), or, where applicable, the proposed structure or non-exempt vegetation comply with Section 60.45.10.3.B. or 60.45.10.3.C. of the solar access provisions for new development. If Section 60.45.10.3.B., Protected Solar Building Line Option, is used, non-exempt trees and the shade point of structures shall be set back from the protected solar building line 2.5 feet for every 1 foot of height of the structure or of the mature height of non-exempt vegetation over 2 feet.

60.45.15.

5. Exemption from the Maximum Shade Point Height Standard. The Director shall exempt a proposed structure or non-exempt vegetation from subsections 3. and 4., above, of this ordinance if the applicant shows that one or more of the conditions in this section exists, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs or substantial evidence submitted by the applicant.
 - A. Exempt Lot. When created the lot was subject to the solar access provisions for New Development and was not subject to the provisions of Section 60.45.10.6.
 - B. Pre-existing shade. The structure or applicable non-exempt vegetation will shade an area that is shaded by one or more of the following:
 1. An existing or approved building or structure;
 2. A topographic feature;
 3. A non-exempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local ordinance; is part of a developed area or landscaping required by the City, a public park or landscape strip, or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.
 - C. Slope. The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor.

60.45.15.5.

- D. Insignificant benefit. The proposed structure or non-exempt vegetation shades one or more of the following:
 - 1. An undevelopable area; or
 - 2. The wall of an unheated space, such as a typical garage; or
 - 3. Less than 20 square feet of south-facing glazing.
 - E. Public Improvement. The proposed structure is a publicly owned improvement.
6. Adjustments to the Maximum Shade Point Height Standard. The Director shall increase the maximum permitted height of the shade point determined using subsection 4., above, to the extent it finds the applicant has shown one or more of the following conditions exist, based on plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.
- A. Physical conditions. Physical conditions preclude development of the site in a manner that complies with subsection 4., above, due to such things as a lot size less than 3,000 square feet, unstable or wet soils, or a drainage way, public or private easement, or right of way.
 - B. Conflict between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards. A proposed structure may be sited to meet the solar balance point standard described in subsection 8., below, or be sited as near to the solar balance point as allowed by subsection 8., below; if:
 - 1. When the proposed structure is sited to meet the maximum shade point height standard determined using subsection 4., above, its solar feature will potentially be shaded as determined using subsection 7., below; and

60.45.15.6.B.

2. The application includes a form provided by the City that:
 - a. Releases the applicant from complying with subsection 4., above, and agrees that the proposed structure may shade an area otherwise protected by subsection 4., above.
 - b. Releases the City from liability for damages resulting from the adjustment; and
 - c. Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of subsection 4., above.
3. Before the Building Official issues a permit for a proposed structure for which an adjustment has been granted pursuant to subsection 6.B., above, the applicant shall file the form provided for in subsection 6.B.2. above in the office of the County Recorder with the deeds to the affected properties.

7. Analysis of Allowed Shade on Solar Feature

- A. The applicant is exempt from this section if the lot(s) south of and adjoining the applicant's property is exempt from subsection 4., above, of this ordinance.
- B. Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by buildings or non-exempt trees on lot(s) to the south. The applicant shall complete the following calculation procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:
 1. Existing structure(s) or non-exempt trees; or

60.45.15.7.B.

2. The maximum shade that can be cast from future buildings or non-exempt trees, based on Table C. If the lot(s) to the south can be further divided, then the north-south dimension shall be assumed to be the minimum lot width required for a new lot in that zone.
- C. The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- D. The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in subsection b. by using the following formula or Table B.

$$\text{SFSH} = \text{SH} - (\text{SGL}/2.5)$$

Where: SFSH = The allowed shadow height on the solar feature (see Figure 8).

SH = the height of the shade at the northern lot line of lot(s) to the south as determined in subsection 7.b., above.

SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south, see Figure 7).

60.45.15.7.D.

TABLE B**MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE**
(In Feet)Distance from
Solar Gain
Line to Lot
Line (In Feet)Allowed Shade Height at Northern Lot Line
of Adjacent Lot(s) to the South (In Feet)

	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2				
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

Table C may be used to determine (SH) in the above formula.

TABLE C

	North-south lot dimension of adjacent lot(s) to the south													
	100	95	90	85	80	75	70	65	60	55	50	45	40	
Allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22	

- E. If the allowed shade height on the solar feature calculated in subsection D. is higher than the lowest height of the solar feature calculated in subsection C., the applicant shall be encouraged to consider any changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

60.45.15.

8. Solar Balance Point. If a structure does not comply with the maximum shade point height standard in subsection 4., above, and the allowed shade on a solar feature standard in subsection 7., above, then the solar balance point of the lot shall be calculated (see Figure 8). The solar balance point is the point on the lot where a structure would be the same from complying with both of these standards.
9. Yard Setback Adjustment. The City shall grant an adjustment to the side, front and/or rear yard setback requirement(s) by a maximum of 50% to build a proposed structure so it complies with either the shade point height standard in subsection 4., above, the allowed shade on a solar feature standard in subsection 7., above, or the solar balance point standard in subsection 8., above, as provided herein (see Figure 8). This adjustment shall apply only if necessary for a structure to comply with the applicable provisions of this ordinance and only so long as the adjustment does not conflict with specific conditions placed upon the property in question, such as easements. The following list illustrates yard adjustments permitted under this section: (ORD 3838)
 - A. R-5 Zone(s):
 1. A front yard setback may be reduced to not less than 15 feet.
 2. A rear yard setback may be reduced to not less than 10 feet.
 3. A side yard setback may be reduced to not less than 3 feet.
 - B. R-7 Zone(s):
 1. A front yard setback may be reduced to not less than 15 feet.
 2. A rear yard setback may be reduced to not less than 10 feet.
 3. A side yard setback may be reduced to not less than 3 feet.
 - C. R-10 Zone(s);
 1. A front yard setback may be reduced to not less than 15 feet.
 2. A rear yard setback may be reduced to not less than 15 feet.

60.45.15.9.C.

3. A side yard setback may be reduced to not less than 5 feet.
10. Application and review process. An application for a building permit shall include the information necessary to meet the provisions of this ordinance. The Building Official shall refer the plan to the Director for approval prior to issuing a building permit, or the Director may delegate this responsibility for review and approval to the Building Official. This review shall consist of determining compliance with those sections reference in subsection 9., above. (ORD 3838)

60.50. SPECIAL USE REGULATIONS**60.50.03 Accessory Dwelling Unit** [ORD 4048; June 1999]

1. **Purpose.** Accessory dwelling units are intended to increase the City's housing stock while minimizing neighborhood impacts, respecting the scale and design of detached dwelling residential neighborhoods, and maintaining their character. At the same time, accessory dwelling units are not intended to apply toward any minimum density requirements in other sections of this Code. [ORD 4224; August 2002]
2. **Design Standards.** The following design standards are specific to the construction of an accessory dwelling unit. The standards are intended to ensure that the accessory dwelling units are compatible in scale, architectural design, and accessory to the primary residence. Where development standards are absent in this section, the development standards of the underlying zone apply.
 - A. An accessory dwelling unit may be created in the following manner:
 1. Conversion of existing living area, attic, basement or required parking;
 2. Adding floor area, subject to the limitations of the zoning district in which it is located;
 3. Constructing a new structure, attached structure, or manufactured home with an internal or detached accessory dwelling unit.
 - B. Parking.
 1. Where the accessory dwelling unit is built on parking areas required for the primary dwelling, the required parking shall be replaced on site.
 2. One additional parking space is required on site.
 - C. Location.
 1. Accessory dwelling units must be attached by the floor, ceiling, wall, or portion thereof to the primary unit or must be separated by 8-feet from the primary unit.

60.50.03.2.C.

2. Accessory dwelling units shall be built in accordance with state and local codes.

[ORD 4224; August 2002]

60.50.05. Accessory Uses and Structures. (Other than Accessory Dwelling Units) [ORD 4048; June 1999]

1. Uses and structures normal, incidental and subordinate to the uses allowed as permitted uses in any zone are allowed as accessory uses and structures subject to the provisions of this section.
2. Accessory uses and structures for conditional uses shall be allowed only after approval of an Administrative Conditional Use pursuant to Section 40.15.15.3. and only after the principal use has been granted through the Conditional Use process. [ORD 4111; June 2000]
3. All accessory buildings must comply with the following provisions:
 - A. They shall have no more than 700 square feet of floor area; (ORD 3162) [ORD 4224; August 2002]
 - B. They shall not exceed one story;
 - C. They shall not be allowed in a required front yard;
 - D. They shall not be located within eight (8) feet of main building or other accessory building; [ORD 4224; August 2002]
 - E. They shall be located no closer than three (3) feet to any lot line nor built over an easement, whichever is the most restrictive; (ORD 3293; November 1982); [ORD 4224; August 2002]
 - F. They shall cause no encroachment upon or interference with the use of any adjoining property or public right-of-way;
 - G. They shall be built in accordance with building codes. (ORD 3293; November 1982).
4. A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions of Section 10.20.

60.50.05.

5.
 - A. The Council may, by resolution, establish a list of uses found not to be accessory to specific permitted uses.
 - B. Prior to including a use on such list the City Council shall hold a public hearing and allow interested persons an opportunity to testify on the matter.
 - C. The City Council may delegate to the Planning Commission the authority to perform the functions authorized and required by this subsection.

60.50.10. Height Regulations. The height limitations contained in this ordinance do not apply to normal appurtenances placed on or extending above the roof level, such as spires, belfries, cupolas, chimneys, antennas, except antennas for wireless communication facilities, ventilators, elevator housing, or other structures; provided, however, that no structure shall be erected which fails to comply with any applicable state or federal law or regulation. (ORD 3293; November 1982) [ORD 4107; May 2000] [ORD 4248; April 2003]

60.50.15. Projections into Required Yards and Public Right-of-Way. (ORD 3162; March 1980)

1. The following structures may project into required yards, but may not project into a utility easement:
 - A. Paved terraces may project into required front, side or rear yards provided that no structures placed thereon shall violate other requirements of this ordinance.
 - B. Unroofed landings and stairs may project into required front and rear yards only.
 - C. Window sills, belt courses, cornices, eaves and similar incidental architectural features may project not more than 2 feet into any required yard.
 - D. Open fire escapes shall not project more than 4 feet, 6 inches into any required yard.

60.50.15.1.

- E. Chimneys shall not project more than 24" into any required yard.
 - F. Bay windows without a foundation may project into the front and rear yard setback by not more than 2 feet and may not occupy more than 50 percent of any one wall plane of a structure. (ORD 3739) [ORD 4397; July 2006]
2. Buildings lying within the Regional Center District (RC-TO, RC-OT, RC-E) zones may have the following projections into the public right-of-way; (ORD 3352) [ORD 4058, August 1999]
- A. Planters;
 - B. Awnings and Canopies; [ORD 4107; May 2000]
 - C. Ornamental and architectural features.

The type, size and other features of the projections may be approved by the appropriate decision making authority after receiving a recommendation from the Facilities Review Committee. The decision making authority may also impose reasonable conditions. (ORD 3162; March 1980) [ORD 4224; August 2002]

3. Except as Otherwise Permitted: (ORD 3293)
- A. No person shall obstruct any public right-of-way or any portion thereof or place or cause to be placed therein or thereon anything whatsoever tending to obstruct or interfere with the full and free use of such public right-of-way or in any degree interfere with the normal flow of pedestrian or vehicular traffic.
 - B. No person shall erect, construct, build, raise, place or maintain any post, pole, sign, wall, fence, tree, building structure or any other object in or upon any public right-of-way, except trees planted in planter strips.
 - C. No person in charge of property shall allow anything prohibited by this section or which otherwise restricts the public use of a sidewalk or parking strip abutting such property to remain there.

60.50.20. Fences. Fences in any district may be constructed at the lot line; provided, however, that fences shall comply with all applicable vision clearance standards established in the Engineering Design Manual. for setback and height limits. (ORD 3162; March 1980) (ORD 3287; October 1982) [ORD 4365; September 2005]

60.50.25. Uses Requiring Special Regulation. In addition to other standards and requirements by this ordinance, all uses included in this section shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this ordinance, the more restrictive provision shall control.

1. Kennels, Riding Academies and Stables. Kennels, riding academies and stables shall be located not less than 200 feet from any lot line. Applications for such use when required by this ordinance shall include information which describes the applicant's intended actions to insure that odors, dust, noise, and drainage from the use will not create a nuisance, hazard or health problem to adjoining property uses.
2. Animal Hospitals. An animal hospital shall not be located within 100 feet of a lot in any Residential District. The applicant shall provide information which describes the measures and controls to be taken that are intended to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises. [ORD 4332; November 2004]
3. Cemetery, Crematory, Mausoleum, Columbarium. A cemetery, crematory, mausoleum, or columbarium shall be located to have a principal access to site by way of a street with a collector or higher designation as established by the Comprehensive Plan.
4. Churches, Hospitals, or other Religious or Eleemosynary Institutions. In any residentially zoned property such uses shall be located on a street with a collector or higher designation as established by the Comprehensive Plan. All buildings shall be set back a minimum of 30 feet from a side or rear property line abutting a residential district. (ORD 3162; March 1980) (ORD 3739)
5. Deleted (ORD 4312; June 2004)

60.50.25.

6. Aircraft Landing Facilities. All aircraft landing facilities shall be so designed and so oriented, that the incidence of aircraft passing directly over dwellings during landing or take off is minimized. They shall be located so that traffic, both land and air, shall not severely impact neighboring uses. Applications shall describe the measures taken to prevent noise, vibrations, dust and glare. New aircraft landing facilities shall require a Conditional Use. Prior to obtaining approval for a landing facility, the applicant shall furnish proof of compliance with applicable State and Federal laws and regulations.
7. Natural Resource Extraction.
 - A. Any natural resource extraction operation shall require a Conditional Use. In addition to the information normally required for a Conditional Use application, the following shall also be supplied:
 1. Graphic (and legal) description of the area.
 2. Existing topographic contours (not more than 10 feet contour intervals).
 3. Finished topographic contours when extraction is completed (not more than 10 feet contour intervals).
 4. Existing and proposed buildings and structures on the site.
 5. Principal access points which will be used by truck and equipment, ingress and egress points, internal circulation, and anticipated traffic volume.
 6. Indication of the existing landscape features.
 7. Location and nature of other operations, if any, which are proposed to take place on the site.
 - B. A narrative statement shall also be submitted with the application for a Conditional Use which shall set forth in detail the following information:
 1. Method of drainage.

60.50.25.7.B.

2. Method of fencing or barricading the petition area to prevent casual access.
3. Estimated amount of material to be removed from the site.
4. Estimated length of time necessary to complete the operation.
5. Description of operations or processing which will take place on the site during and after the time and material is extracted.
6. Plan or program of regarding and reshaping the land for future use.
7. Proposed hours of operation.
8. Other pertinent information that may pertain to the particular site.
9. Method to abate overloading of trucks and consequent spillage upon highways.

C. General requirements.

1. Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free; further, where access roads intersect arterials, suitable traffic controls shall be established.
2. A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public right-of-way. This periphery strip shall not be altered except for access points.

60.50.25.7.C.

3. All banks shall be graded to a slope no steeper than two (2) units horizontal to one (1) unit vertical unless a soils report provides sufficient information to satisfy the City Engineer that a steeper slope would have long term stability. No concentrated drainage shall be directed onto any slope greater than 15 percent. Slope banks created at the working surface of the excavation shall be kept safe, but shall only need to conform to the above after work has ceased on that surface for a period of one year.
4.
 - a. No alteration to drainage flow onto, or out of property shall be made except as in accordance with a grading and drainage plan approved by the City Engineer. No water shall be retained on site by a dam rising above the natural contour of the site without a plan approved by the City Engineer.
 - b. No pit shall be excavated to a depth which will intersect an imaginary line, extending from the property line, at an angle of 45 degrees from the horizontal downward into the earth. This condition may be waived by the owner of property abutting said property line or by submittal of a soils report demonstrating, to the satisfaction of the City Engineer, that the surcharge which could be generated by a structure on said adjacent property is fully supported by a lesser requirement.
8. Nursery Schools, Day or Child Care Facilities. Nursery schools and day or child care facilities shall provide and thereafter maintain outdoor play areas with a minimum area of 100 square feet per 1/3 the total licensed capacity of children. The Director may approve reduction of this requirement if the facility cares only for infants up to 6 months in age. In all districts, a fence of at least five (5) feet but not more than six (6) feet in height shall be provided separating the outdoor play area from abutting lots.

Facilities licensed for 40 or more children may be required to have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children. The Facilities Review Committee may recommend whether the special driveway design is required, or not. [ORD 4224; August 2002]

60.50.25.8.

If a Conditional Use is required, in addition to that normally required for a Conditional Use the following information shall also be supplied:

- A. The maximum number of children the facility is proposed to be licensed to care for;
 - B. Ages of the children to be cared for;
 - C. List of any exceptions to the rules governing standards for day care facilities the applicant will be applying for to the Children's Services Division. (ORD 3181, June 1980)
9. Portable Classrooms. Public and private schools shall be permitted to maintain no more than two portable classrooms per school site for a period of no more than one calendar year. The governing body of the school shall obtain a Conditional Use prior to placing any additional portable classrooms on a site occupied by two portables, or if the portables allowed on a site are to remain on the site for a period longer than one calendar year. (ORD 3293; November 1982) [ORD 4224; August 2002]
10. Poultry Farms. In the R-A zone, any building housing more than ten (10) poultry animals shall be located not less than 200 feet from every lot line. Odor, dust, noise, insects or drainage created or fostered by such use shall be controlled in a manner such that surrounding properties and uses are not adversely impacted. (ORD 3293; November 1982)
11. Utilities.
- A. The erection, construction, alteration, or maintenance by public utility or municipal or other governmental agencies of any electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any district.

60.50.25.11.

- B. Private utility services to all structures, residential, commercial, and industrial, on private property shall be placed underground and meet the standards specified by the City Engineer. This requirement may be waived where the Director and City Engineer determine that the requirement is impractical or would cause undue hardship. (ORD 3292; November 1982) [ORD 4118; August 2000]
12. Drop Boxes. Recycling receptacles or charity drop boxes shall not be located in any residential district or in any public right-of-way. Recycling receptacles or charity drop boxes are permitted in any commercial or industrial zone.
13. Park and Ride Facilities. Approved off-street parking lots connected with a non-residential use may be used jointly as park and ride lots if, by determination of the Director after receiving a recommendation from the Facilities Review Committee, the park and ride use will not conflict with the parking needs of the site's principal use both in terms of traffic volume and hours of use, and as long as there are no specific conditions placed on the site by the Director, Planning Commission, Board of Design Review, or the City Council which would preclude such use. Park and ride lots as principal uses are permitted in those zones allowing parking structures and surface parking lots. (ORD 3204; January 1981) [ORD 4224; August 2002]
14. Noise Levels. Noise levels shall meet the standards established by the State of Oregon Department of Environmental Quality. (ORD 3293)
15. Air Quality. Air quality shall meet the standards established by the State of Oregon Department of Environmental Quality. (ORD 3293)

60.55 TRANSPORTATION FACILITIES

60.55.05 Purpose and Intent. It is the purpose and intent of this chapter to establish design standards and performance requirements for all streets and other transportation facilities constructed or reconstructed within the City of Beaverton.

60.55.10 General Provisions. [ORD 4302; May 2004]

1. All transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies.
2. In order to protect the public from potentially adverse impacts of the proposal, to fulfill an identified need for public services related to the development, or both, development shall provide traffic capacity, traffic safety, and transportation improvements in rough proportion to the identified impacts of the development. [ORD 4103; April 2000]
3. For applications that meet the threshold criteria of section 60.55.15 Traffic Management Plan or of section 60.55.20 Traffic Impact Analysis, these analyses or limited elements thereof may be required.
4. The decision-making authority may impose development conditions of approval per section 10.65.1. of this code. Conditions of approval may be based on the Traffic Management Plan and Traffic Impact Analysis. Additional street, bicycle, and pedestrian connections may also be required per 60.55.25 Street and Bicycle and Pedestrian Connection Requirements.
5. Dedication of right-of-way shall be determined by the decision-making authority.
6. Traffic calming may be approved or required by the decision-making authority in a design of the proposed and/or existing streets within the Area of Influence or any additional locations identified by the City Engineer. Traffic calming measures shall be designed to City standards.

60.55.10

7. Intersection performance shall be determined using the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve a different intersection analysis method prior to use when the different method can be justified. Terms used in this subsection are defined in the Highway Capacity Manual 2000.

At a minimum, the impacts of development on a signalized intersection shall be mitigated to peak hour average control delay no greater than 65 seconds per vehicle using a signal cycle length not to exceed 120 seconds. The volume-to-capacity ratio for each lane group for each movement shall be identified and considered in the determination of intersection performance. The peak hour volume-to-capacity ratio for each lane group shall be no greater than 0.98. Signal progression shall also be considered.

At a minimum, the impacts of development on a two-way or an all-way stop-controlled intersection shall be mitigated to a peak hour average control delay of no greater than 45 seconds per vehicle.

If the existing control delay or volume-to-capacity ratio of an intersection is greater than the standards of this subsection, the impacts of development shall be mitigated to maintain or reduce the respective control delay or volume-to-capacity ratio.

- 60.55.15. Traffic Management Plan.** [ORD 4302; May 2004] Where development will add 20 or more trips in any hour on a residential street, a Traffic Management Plan acceptable to the City Engineer shall be submitted in order to complete the application. A residential street is any portion of a street classified as a Local street or Neighborhood Route and having abutting property zoned R2, R3.5, R4, R5, R7, or R10.

1. For each development application that requires a Traffic Management Plan, the Plan shall identify:
 - A. The hours when the added trips from the development will be 20 or more vehicles per hour.
 - B. The existing volume of trips on the residential street during each of those same hours.

60.55.15.1.

- C. The volume of trips that the development will add on the residential street during each of those same hours.
 - D. Recommended traffic management strategies designed to City standards to mitigate the impacts of the increased trips attributed to the development. Potential traffic management strategies include, but are not limited to, any combination of speed humps, curb extensions, intersection treatments, and traffic control devices.
2. The Traffic Management Plan shall discuss whether the recommended improvements both on-site and off-site are justified, reasonably related to, and roughly proportional to the impacts of the proposed development and shall include information sufficient for the City to assess whether the proposed mitigation strategies are reasonably related and roughly proportional to the level of impact. [ORD 4103; April 2000]

60.55.20 Traffic Impact Analysis. [ORD 4103; April 2000] [ORD 4302; May 2004] For each development proposal that exceeds the Analysis Threshold of 60.55.20.2, the application for land use or design review approval shall include a Traffic Impact Analysis as required by this code. The Traffic Impact Analysis shall be based on the type and intensity of the proposed land use change or development and its estimated level of impact to the existing and future local and regional transportation systems.

- 1. Engineer Certification. The Traffic Impact Analysis shall be prepared and certified by a traffic engineer or civil engineer licensed in the State of Oregon.
- 2. Analysis Threshold
 - A. A Traffic Impact Analysis is required when the proposed land use change or development will generate 200 vehicles or more per day (vpd) in average weekday trips as determined by the City Engineer.

60.55.20.2.

- B. A Traffic Impact Analysis or some elements of a Traffic Impact Analysis may be required when the volume threshold under subsection A. of this section is not met but the City Engineer finds that the traffic impacts attributable to the development have the potential to significantly impact the safe and efficient operation of the existing public transportation system.
- 3. Study Area. The Traffic Impact Analysis shall evaluate the Area of Influence of the proposed development and all segments of the surrounding transportation system where users are likely to experience a change in the quality of traffic flow. The City Engineer may identify additional locations for study if existing traffic operation, safety, or performance is marginal or substandard. Prior to report preparation, the applicant shall submit the proposed scope and analysis assumptions of the Traffic Impact Analysis. The City Engineer shall determine whether the scope and analysis assumptions are adequate.
- 4. Contents of the Traffic Impact Analysis Report. The Traffic Impact Analysis report shall contain the following information organized in a logical format:
 - A. Executive Summary
 - B. Description of Proposed Development
 - C. Existing Conditions
 - D. Traffic Forecasts
 - E. Traffic Impacts
 - F. Mitigation Identification
 - G. Recommendations
- A. Executive Summary. An Executive Summary of no more than three single-sided pages shall be included at the beginning of the Traffic Impact Analysis report. The Executive Summary shall summarize the analysis and conclusions and identify recommended transportation improvements.

60.55.20.4.

- B. Description of Proposed Development. The Traffic Impact Analysis shall provide a comprehensive project description including but not limited to the following:
1. Vicinity map.
 2. Site plan.
 3. Project phasing.
 4. Time schedule.
 5. Intended use of the site, including the range of uses allowed without additional land-use approvals.
 6. Intensity of use.
- C. Existing Conditions. The Traffic Impact Analysis shall provide a complete evaluation of existing conditions and include maps and/or tables displaying the following information for the Area of Influence and any additional locations previously identified by the City Engineer:
1. Street system including street names and functional classifications.
 2. Pavement and shoulder widths.
 3. Striping and channelization.
 4. Driveways.
 5. Freight access and loading areas.
 6. Intersections .
 7. Traffic volumes.
 - a. Existing traffic shall be measured within the previous twelve months.
 - b. Traffic volumes shall be based on data from a minimum of three typical weekdays. In addition, data shall be provided for weekends if weekends are the peak traffic period for either the existing street or the proposed development.
 - c. Seasonal variations in traffic volumes shall be considered.
 8. Existing intersection performance indicators including volume-to-capacity ratio and control delay.
 9. Transit information including stop and shelter locations, route numbers, headways, passenger loading, pull outs, and times of service.
 10. Bicycle ways, sidewalks, and accessways.
 11. Collision data for the most recent three-year period for which collision data is available.

60.55.20.4.

- D. Traffic Forecasts. The Traffic Impact Analysis report shall provide forecasts of future traffic within the Area of Influence and any additional locations previously identified by the City Engineer. Traffic forecasts shall be provided for both the Buildout Year and the Long-Range Forecast Year. The report shall include complete documentation of trip generation calculations including Institute of Transportation Engineers (ITE) Trip Generation (latest published edition) use code(s) or an alternative basis of trip generation and the rationale for using the alternative.
1. Buildout Year Analysis. Buildout Year forecasts shall be Total Traffic at the time of anticipated completion and occupancy of each phase of the development and at the time of completion and occupancy of the entire development. The City shall provide traffic information on other developments to consider in the calculation of Added Traffic.
 2. Long-Range Forecast Year Analysis. The Traffic Impact Analysis shall include an analysis of the potential worst-case long-range impacts to the local transportation system identified in the City's Comprehensive Plan Transportation Element and the regional transportation system identified in Metro's Regional Transportation Plan. The forecast year shall be the forecast year of the Comprehensive Plan Transportation Element or an alternate year approved by the City Engineer. The Traffic Impact Analysis shall include a prediction of whether any phase of the proposed development will change the long-range transportation needs identified in the Comprehensive Plan and the extent to which traffic from the proposed development contributes to the long-range improvement needs.

60.55.20.4.D.

3. Traffic Forecast Analysis Assumptions.

- a. Trip generation. Estimates of the proposed development's trip generation shall be made for peak period traffic. Selection of the peak period used in the analysis shall be justified and shall consider, at a minimum, the peak period for the proposed development and the peak period for surrounding streets. The City Engineer may require review of other time periods based on known or anticipated marginal or substandard traffic capacity or traffic safety. Trip generation estimates shall be based on ITE's Trip Generation (latest published edition). The City Engineer may approve different trip generation rates when trip generation rates are not available in ITE's Trip Generation or different rates are justified.
- b. Trip distribution and assignment. Traffic generated by the proposed development shall be logically distributed and assigned to the street system within the Area of Influence and any additional locations previously identified by the City Engineer. Trip distribution and assignment shall be based on trip distribution information from Washington County, ODOT, or Metro, on analysis of local traffic patterns based on data less than 12 months old, or on alternative data approved by the City Engineer.

4. Intersection and highway interchange analysis. Intersection and highway interchange analysis shall conform to the method for operations analysis described in the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve an alternative analysis method. The analysis shall document that the impacts of queuing from adjacent intersections or traffic restrictions has been addressed.

60.55.20.4.

- E. Traffic Impacts. The Traffic Impact Analysis shall evaluate access, safety, operation, capacity, circulation, level of service, and performance of the transportation system within the proposed development's Area of Influence and any additional locations previously identified by the City Engineer for both the Buildout Year and any phases thereof, and the Long-Range Forecast Year.

Performance analysis shall be based on the standards of section 60.55.10.7.

1. Safety considerations shall be evaluated. Potential safety problems resulting from conflicting turning movements between and among driveways, intersections, and internal traffic shall be addressed. Distance to the nearest driveways on both sides of streets fronting the site and in both directions from site access points shall be shown. On-site driveway stacking and queuing impacts shall be assessed. The potential for shared access with adjacent development shall be assessed.
2. Geometric design and operational improvements including but not limited to acceleration lanes, deceleration lanes, turning lanes, traffic signals, and channelization shall be considered, evaluated, and recommended when determined necessary by standards and practices adopted by ODOT, Washington County, the City or approved by the City Engineer.
3. Adequacy of sight distance shall be addressed at the proposed road access point(s) for both the existing road configuration and for the ultimate road configuration based on improvements planned for the development and improvements identified in the Comprehensive Plan Transportation Element. Sight distance shall meet City standards.
4. The analysis shall also identify and evaluate related impacts on bicycle, pedestrian, and transit access, circulation, and facilities.

60.55.20.4.E.

5. Other, operational, circulation, safety, and capacity issues shall be evaluated and addressed as required by this code and by the City Engineer.

- F. Mitigation Identification. In order to protect the public transportation system from potentially adverse impacts of the proposal, to fulfill an identified need for public services within the impacted area related to the development, or both, the Traffic Impact Analysis shall identify methods of mitigating on-site and off-site deficiencies for present and proposed phases of the development. The analysis shall make recommendations for improvements necessary for safe and efficient traffic flow and bicycle, pedestrian, and transit movement and access. Buildout Year, Long-Range Forecast Year, and project phasing impacts shall be considered.

The traffic impact analysis shall discuss the estimated levels of impact, improvements, and mitigation.

Mitigation shall be consistent with improvements identified in the Comprehensive Plan Transportation Element. At a minimum, the Traffic Impact Analysis shall consider ultimate rights-of-way and additional streets, bicycle, and pedestrian connections and extensions and intersection improvements that are identified in the Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 and connections required by section 60.55.25 of this code. Mitigation measures may also include, but are not limited to, additional street connections and street extensions, turn lanes, signalization, signal modifications, installation of medians, shared access and other access management strategies, geometric improvements such as lane geometry improvements, and intersection realignments.

Where stop-controlled intersections do not meet the minimum performance standard of section 60.55.10.7, an additional street connection or a street extension shall be considered as a potential mitigation measure.

60.55.20.4.

- G. Recommendations. The Traffic Impact Analysis report shall clearly state the mitigation measures recommended by the analysis. The recommended street and highway mitigation measures shall be shown on a scaled drawing that depicts existing and recommended improvements.

60.55.25 Street and Bicycle and Pedestrian Connection Requirements.
[ORD 4302; May 2004]

1. All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit. Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians.
2. The Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 shall be used to identify ultimate right-of-way width and future potential street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel.
3. Where a future street or bicycle and pedestrian connection location is not identified in the Comprehensive Plan Transportation Element, where abutting properties are undeveloped or can be expected to be redeveloped in the near term, and where a street or bicycle and pedestrian connection is necessary to enable reasonably direct access between and among neighboring properties, the applicant shall submit as part of a complete application, a future connections plan showing the potential arrangement of streets and bicycle and pedestrian connections that shall provide for the continuation or appropriate projection of these connections into surrounding areas.
4. Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. A closed-end street, bicycle connection, or pedestrian connection may be approved with a temporary design.
5. Whenever existing streets and bicycle and pedestrian connections adjacent to or within a parcel of land are of inadequate width, additional right-of-way may be required by the decision-making authority.

60.55.25.

6. Where possible, bicycle and pedestrian connections shall converge with streets at traffic-controlled intersections for safe crossing.
7. Bicycle and pedestrian connections shall connect the on-site circulation system to existing or proposed streets, to adjacent bicycle and pedestrian connections, and to driveways open to the public that abut the property. Connections may approach parking lots on adjoining properties if the adjoining property used for such connection is open to public pedestrian and bicycle use, is paved, and is unobstructed.
8. To preserve the ability to provide transportation capacity, safety, and improvements, a special setback line may be established by the City for existing and future streets, street widths, and bicycle and pedestrian connections for which an alignment, improvement, or standard has been defined by the City. The special setback area shall be recorded on the plat.
9. Accessways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this code and where full street connections are not possible due to the conditions described in 60.55.25.13. [ORD 4397; July 2006]

An accessway will not be required where the impacts from development, redevelopment, or both are low and do not provide reasonable justification for the estimated costs of such accessway.

A. Accessways shall be provided as follows:

1. In any block that is longer than 600 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, an accessway shall be required through and near the middle of the block.
2. If any of the conditions described in 60.55.25.13 result in block lengths longer than 1200 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, then two or more accessways may be required through the block. [ORD 4397; July 2006]

60.55.25.9.A.

3. Where a street connection is not feasible due to conditions described in 60.55.25.13, one or more new accessways to any or all of the following shall be provided as a component of the development if the accessway is reasonably direct: an existing transit stop, a planned transit route as identified by TriMet and the City, a school, a shopping center, or a neighborhood park. [ORD 4397; July 2006]
4. The City may require an accessway to connect from one cul-de-sac to an adjacent cul-de-sac or street.
5. In a proposed development or where redevelopment potential exists and a street connection is not proposed, one or more accessways may be required to connect a cul-de-sac to public streets, to other accessways, or to the project boundary to allow for future connections.

B. Accessway Design Standards.

1. Accessways shall be as short as possible and wherever practical, straight enough to allow one end of the path to be visible from the other.
2. Accessways shall be located to provide a reasonably direct connection between likely pedestrian and bicycle destinations. [ORD 4332; November 2004]

10. Pedestrian Connections at Major Transit Stops. Commercial and institution buildings at or near major transit stops shall provide for pedestrian access to transit through the following measures:

A. For development within 200 feet of a Major Transit Stop:

1. Either locate buildings within 20 feet of the property line closest to the transit stop, a transit route or an intersecting street, or provide a pedestrian plaza at the transit stop or a street intersection;
2. Provide a transit passenger landing pad accessible to persons with disabilities if required by TriMet and the City;

60.55.25.10.A.

3. Provide a reasonably direct pedestrian connection between the transit stop and building entrances on the site;
 4. Where substantial evidence of projected transit ridership or other transit impacts is presented to conclude both that a nexus exists between the proposed development and public transit and that the degree of impact provides reasonable justification, the City may require the developer to grant a public easement or dedicate a portion of the parcel for transit passenger bench(es), shelter, or both, and, if appropriate, the construction of a transit passenger bench, shelter, or both; and,
 5. Provide lighting at the transit stop to City standards.
- B. Except as otherwise provided in subsection A. of this section, for development within 300 feet of a Major Transit Stop, provide walkways connecting building entrances and streets adjoining the site, and pedestrian connections to adjoining properties, except where such a connection is impracticable pursuant to subsection 14. of this section.
11. Assessment, review, and mitigation measures (including best management practices adopted by local agencies) shall be completed for bicycle and pedestrian connections located within the following areas: wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs.

60.55.25.11.

“Assessment” for the purposes of this section means to assess the site-specific development compatibility issues. Site-specific compatibility issues include but are not limited to lighting, construction methods, design elements, rare plants, and human/pet impacts on the resource. “Review” for the purposes of this section includes but is not limited to obtaining appropriate permits from appropriate resource agencies. Mitigation measures, including appropriate use restrictions, required by local, state, and federal agencies shall be completed as part of the construction project. If the project will irreparably destroy the resource, then the resource will take precedence over the proposed bicycle and pedestrian connection.

12. New construction of bicycle and pedestrian connections along residential rear lot lines is discouraged unless no comparable substitute alignment is possible in the effort to connect common trip origins and destinations or existing segment links.
13. Street and Bicycle and Pedestrian Connection Hindrances. Street, bicycle, and/or pedestrian connections are not required where one or more of the following conditions exist:
 - A. Physical or topographic conditions make a general street, bicycle, or pedestrian connection impracticable. Such conditions include but are not limited to the alignments of existing connecting streets, freeways, railroads, slopes in excess of City standards for maximum slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
 - B. Existing buildings or other development on adjacent lands physically preclude a connection now and in the future, considering the potential for redevelopment; or,
 - C. Where streets, bicycle, or pedestrian connections would violate provisions of leases, easements, covenants, or restrictions written and recorded as of May 1, 1995, which preclude a required street, bicycle, or pedestrian connection.

60.55.30 Minimum Street Widths. [ORD 4302; May 2004] Minimum street widths are depicted in the Engineering Design Manual and Standard Drawings. Street width includes right-of-way width, paved width, and widths of sidewalks and planter strips.

1. The decision-making authority shall determine the appropriate street width. The decision shall be based on the following considerations:
 - A. Street function within the existing, proposed, and future developing area and circulation networks;
 - B. Existing and long-range forecast traffic volumes;
 - C. The recommendations of the development impact analysis, Traffic Management Plan, and/or Traffic Impact Analysis;
 - D. Individual property access needs;
 - E. Topographic variations, environmental conditions, existing development, and other field conditions.
 1. The decision-making authority may approve reduction of the minimum widths for sidewalks and planter strips if the reduction is required to accommodate unique conditions due to topography, environmental protection requirements, or existing development and the applicant has demonstrated that the standard widths would impose an economic hardship or immitigable loss of environmental resources. Changes may include but are not limited to meandering or curb tight sidewalks with or without tree wells.
 2. The recommendation shall be based on the development impact analysis, which fulfills the requirements of section 60.55.10.3.
 3. The recommendation shall provide for safe and efficient circulation and access per section 60.55.25.1.
 - F. Regionally significant streets designated in Metro's Regional Transportation Plan shall be designed to reflect the function of the street and the adjacent zoning.

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2. In Station Areas, Station Communities, Town Centers, and Regional Centers, the decision-making authority may approve alternative sidewalk widths consistent with the requirements of sections 60.05 and may waive the requirement for planter strips. [ORD 4365; September 2005]
3. Infill Street Designs. A modified infill residential street design or infill cul-de-sac design may be approved for local streets to optimize the developable land on R-1, R-2, R-3.5, R-5, R-7, and R-10 residential sites subject to the following requirements. The street design is intended to provide public street access to lots created as part of an infill process.

Use of the modified infill design is subject to approval by the decision-making authority through the development review process. The applicant shall provide documentation to demonstrate that use of the standard residential street cross section would result in non-conforming lot dimensions per section 20.05.50., and/or use of the standard street cross section is impractical due to physical or topographical constraints such as freeways, railroads, slopes in excess of City standards for maximum slopes, wetlands or other bodies of water, or the constraints of section 60.55.30.1.E.

4. Half streets. The required street width may be developed in stages when development is occurring on only one side of the proposed street and where staging is essential to the reasonable development of properties. Staging may be allowed if necessary to maintain minimum depth and setbacks on adjoining lots or to match the existing alignments of abutting streets. Staging shall only be approved where future development of adjoining properties can reasonably be expected to complete the full street width. If staging is approved, the initial stage shall provide improvements to City standards that will assure a total minimum 20-foot pavement improvement width for vehicular travel and any additional right-of-way, shoulder improvements, and drainage improvements as required for the half street.
5. Use of a cul-de-sac design is limited to situations where barriers prevent through streets from being constructed. Use of a cul-de-sac design may be approved by the decision-making authority based on documentation that demonstrates that the use of a through street design is impractical and would result in non-conforming lot dimensions per section 20.05.50, is impractical due to environmental

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constraints on the site or on land adjacent to the site, or is impractical due to existing development on the site or on land adjacent to the site.

6. No more than 25 dwelling units may have access onto a closed-end street system. An exception may be approved by the decision-making authority based on documentation that demonstrates that a through street is not practical due to environmental constraints or existing development on the site or on land adjacent to the site, and exceeding the standard maximizes the developable portion of the site.

60.55.35 Access Standards. [ORD 4302; May 2004]

1. The development plan shall include street plans that demonstrate how safe access to and from the proposed development and the street system will be provided. The applicant shall also show how public and private access to, from, and within the proposed development will be preserved. [ORD 4103; April 2000]
2. Intersection Standards.
 - A. Visibility at Intersections. All work adjacent to public streets and accessways shall comply with the standards of the Engineering Design Manual and Standard Drawings except in Regional and Town Centers.
 1. The sight clearance area requirements for Town Centers and Regional Centers shall be determined on a case-by-case basis by the decision-making authority. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists, and motorists), design speeds, the intersection sight distance standards of the Engineering Design Manual and Standard Drawings, and other applicable criteria. [ORD 4111; June 2000]
 2. The requirements specified in 60.55.35.2.A. may be lessened or waived by the decision-making authority if the project will not result in an unsafe traffic situation. In making its determination, the decision-making authority shall consider the safety of the users of the intersection (including pedestrians, bicyclists and motorists), design speeds, the intersection sight distance standards of the

60.55.35.2.

Engineering Design Manual and Standard Drawings, and other applicable criteria.

B. Intersection angles and alignment and intersection spacing along streets shall meet the standards of the Engineering Design Manual and Standard Drawings.

1. Local street connections at intervals of no more than 330 feet should apply in areas planned for the highest density mixed-use development.
2. When a highway interchange within the City is constructed or reconstructed, a park and ride lot shall be considered.

C. Driveways.

1. Corner Clearance for Driveways. Corner clearance at signalized intersections and stop-controlled intersections, and spacing between driveways shall meet the standards of the Engineering Design Manual and Standard Drawings.
2. Shared Driveway Access. Whenever practical, access to arterials and collectors shall serve more than one site through the use of driveways common to more than one development or to an on-site private circulation design that furthers this requirement.

Consideration of shared access shall take into account at a minimum property ownership, surrounding land uses, and physical characteristics of the area.

Where two or more lots share a common driveway, reciprocal access easements between adjacent lots may be required.

3. No new driveways for detached dwellings shall be permitted to have direct access onto an arterial or collector street except in unusual circumstances where emergency access or an alternative access does not exist. Where detached dwelling access to a local residential

60.55.35.2.C.3

street or neighborhood route is not practicable, the decision-making authority may approve access from a detached dwelling to an arterial or collector.

60.55.40. Transit Facilities. [ORD 4302; May 2004] Transit routes and transit facilities shall be designed to support transit use through provision of transit improvements. These improvements shall include passenger landing pads, accessways to the transit stop location, or some combination thereof, as required by TriMet and the City, and may also include shelters or a pad for a shelter. In addition, when required by TriMet and the City, major industrial, institution, retail, and office developments shall provide either a transit stop on site or a pedestrian connection to a transit stop adjacent to the site.

1. Transit Shelters. [ORD 4332; November 2004] All transit shelters and sidewalk furniture shall meet the following standards.

- A. The proposal is located entirely within the existing public right-of-way, public access easement, or property owned by a public agency.
- B. The proposal maintains an unobstructed path of travel of no less than six feet (6') unless a greater unobstructed path is required by this code for a specific sidewalk.
- C. The proposal is not located within eight feet (8') of a point of ingress or egress of an existing structure.
- D. The proposal is not located within a vision clearance area for a street, driveway, or other facility where vehicles regularly travel.
- E. The proposal is not located within twelve feet (12') of a window display area.
- F. The proposal does not consist of solid panels other than what is required to post transit schedules.

60.60. TREES AND VEGETATION. [ORD 4224; August 2002] [ORD 4348; April 2005]

60.60.05. Purpose

Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. In conjunction with processes set forth in Section 40.90 of this Code, this section is intended to help manage changes to the City's urban forest by establishing regulations and standards for the protection, pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, and trees within a Significant Natural Resource Area (SNRA) or Significant Grove), Landscape Trees, and Community Trees.

60.60.07. Enforcement

A person found responsible for causing the removal or pruning of a protected tree in violation of the standards set forth in Section 60.60, unless exempt, shall be subject to monetary penalties. In cases of unlawful removal the person must also mitigate the removal as set forth in the mitigation requirements of section 60.60.25.

Monetary penalties imposed by a court of competent jurisdiction upon conviction for violating any provision of Chapter 60 section 60 of this Ordinance, shall be deposited into the City's Tree Mitigation Fund.

60.60.10. Types of Trees and Vegetation Regulated

Actions regarding trees and vegetation addressed by this section shall be performed in accordance with the regulations established herein and in Section 40.90 of this Code. The City finds that the following types of trees and vegetation are worthy of special protection:

- 1. Significant Individual Trees.**
- 2. Historic Tree.**
- 3. Trees within Significant Natural Resource Areas.**
- 4. Trees within Significant Groves.**
- 5. Landscape Trees.**

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6. Community Trees.

7. Mitigation Trees.

60.60.15 Pruning, Removal, and Preservation Standards

1. Pruning Standards

- A. It shall be unlawful for any person to remove or prune to remove a tree's canopy or disturb the root zone of any Protected Tree , except in accordance with the provisions of this Code.
- B. All pruning of Protected Trees shall be done in accordance with the standards set forth in this section and the City's adopted Tree Planting and Maintenance Policy, also known as Resolution 3391.

2. Removal and Preservation Standards

- A. All removal of Protected Trees shall been done in accordance with the standards set forth in this section.
- B. Removal of Landscape Trees and Protected Trees shall be mitigated, as set forth in section 60.60.25.
- C. For SNRAs and Significant Groves, the following additional standards shall apply:
 - 1. The minimum DBH of non-exempt surveyed trees that must be preserved on a site is as follows:
 - a) Multiple Use Zoning Districts: Fifteen percent (15%) of the DBH of non-exempt surveyed trees found on a project site.
 - b) Residential, Commercial, or Industrial Zoning District: Twenty five percent (25%) of the DBH of non-exempt surveyed trees found on a project site
 - 2. DBH to be retained shall be preserved in cohesive areas, termed Preservation Areas, when development is proposed in SNRAs or Significant Groves.

60.60.15.2.C.

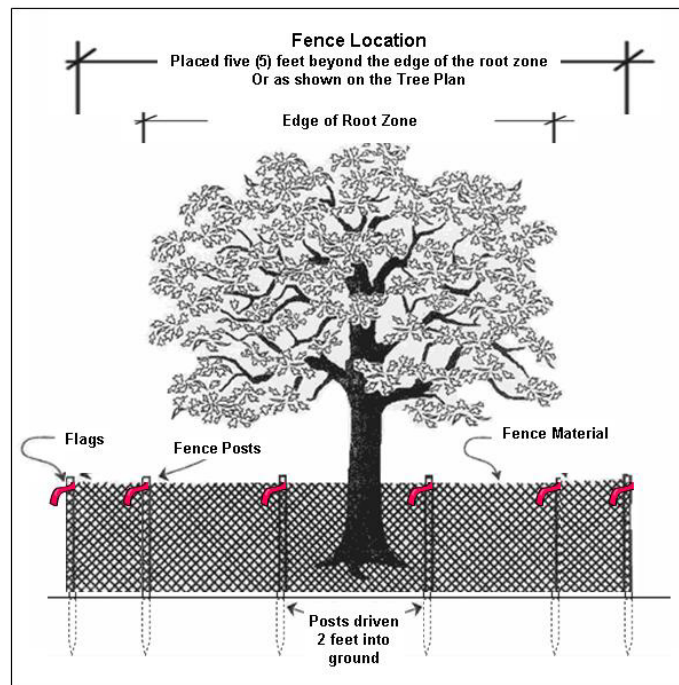
3. Native understory vegetation and trees shall be preserved in Preservation Areas.
4. Preservation Areas, conditioned for protection through the Development Review process, shall be preserved in clusters that are natural in appearance rather than in linear strips. Preservation Areas should connect with adjoining portions of the Significant Grove or SNRA on other sites.
5. Preservation Areas, conditioned for protection through the Design Review process, shall be set aside in conservation easements and recorded with a deed restriction with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.
6. Preservation Areas, conditioned for protection through the Land Division process, shall be set aside in tracts and recorded with a deed restriction with Washington County, unless otherwise approved by the City. The deed restriction shall prohibit future development and specify the conditions for maintenance if the property is not dedicated to a public agency.
7. Within the development review process, where a person is presented with a particular decision whether to retain a native or non-native tree, the native species shall be retained provided all other considerations between the two categories of trees remain equal.

Non-native tree species may also be retained for aesthetic, unique condition, size, and wildlife habitat purposes.

8. Hazardous and dead trees within Significant Groves and SNRAs should be fallen only for safety and left at the resource site to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and must be removed from the area to protect the remaining trees.

60.60.20. Tree Protection Standards During Development

1. Trees classified as Protected Trees under this Code shall be protected during development in compliance with the following:
 - A. A construction fence must be placed around a tree or grove beyond the edge of the root zone. The fence shall be placed before physical development starts and remain in place until physical development is complete. The fence shall meet the following:
 1. The fence shall be a four foot (4') tall orange plastic or snow fence, secured to six foot (6') tall metal posts, driven two feet (2') into the ground. Heavy 12 gauge wire shall be strung between each post and attached to the top and midpoint of each post. Colored tree flagging indicating that this area is a tree protection zone is to be placed every five (5) linear feet on the fence to alert construction crews of the sensitive nature of the area.



2. Other City approved protection measures that provide equal or greater protection may be permitted, and may be required as a condition of approval.

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- B. Within the protected root zone of each tree, the following development shall not be permitted:
 - 1. Construction or placement of new buildings.
 - 2. Grade change or cut and fill, except where hand excavation is approved with the submittal of an arborist's report, as part of application approval.
 - 3. New impervious surfaces.
 - 4. Trenching for utilities, irrigation, or drainage.
 - 5. Staging or storage of any kind.
 - 6. Vehicle maneuvering or parking

60.60.25. Mitigation Requirements

- 1. The following standards shall apply to mitigation for the removal of Significant Individual Trees or trees within Significant Groves or SNRAs.
 - A. All mitigation tree planting shall take place in conformance with accepted arboricultural practices and shall be spaced a minimum of ten (10) feet apart.
 - B. As of May 19, 2005, all trees planted for the purpose of tree removal mitigation shall be maintained in accordance with the approved mitigation plan. Monitoring of mitigation planting shall be the ongoing responsibility of the property owner where mitigation trees are located, unless otherwise approved through Development Review. Monitoring shall take place for a period of two (2) years. Trees that die shall be replaced in accordance with the tree replacement standards of this section.
 - C. As of May 19, 2005, all trees planted for the purpose of tree removal mitigation shall be set aside in a conservation easement or a separate tract and shall be designated as "Mitigation Trees" and recorded with a deed restriction identifying the trees as "Mitigation Trees".

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- D. Each Mitigation Tree planted shall be insured through a performance security, equal to 110 percent of the cost of the landscaping, filed with the City for a period of two (2) years to ensure establishment of the mitigation planting.
 - E. Street trees shall not be counted as providing mitigation of a SNRA or Significant Grove.
 - F. Transplanting trees within the project site is not subject to mitigation. However, a performance security is required for transplanted tree(s) to insure that the tree(s) will be replaced if the tree(s) is dead or dying at the end of two (2) years.
2. Mitigation for the removal of trees from Significant Groves or SNRAs shall be required as follows:
- A. Calculate the total DBH of the trees to be removed. Denote both deciduous and coniferous trees in separate tables; however, both tables will result in the sum total of the DBH to be removed.
 - B. If the total DBH of trees to be removed is less than or equal to 50% of the total DBH of surveyed trees on the site, then no mitigation is required for the trees to be removed.
 - C. If the total DBH of trees to be removed is greater than 50% of the total DBH of surveyed trees on site, then mitigation is required for the amount of DBH to be removed that exceeds 50% of the total DBH of surveyed trees on site.
- For example, if 75 inches is the total amount of DBH to be removed from a site and 60 inches of DBH represents 50% of the total surveyed DBH, then 15 inches of DBH is the total required amount of mitigation.
3. In addition to the requirements listed in Section 60.60.25.1 Mitigation Requirements, the following mitigation requirements shall apply for the removal of trees from Significant Groves or SNRAs.
- A. Dead or dying trees within a Significant Grove or SNRA shall be fallen when required for safety. Such tree falling shall not require mitigation. However, the fallen log should remain in the Significant Grove or SNRA, to serve as habitat for wildlife,

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unless the tree has been diagnosed with a disease and the log must be removed from the area to protect the remaining trees.

- B. All trees planted for mitigation must meet the following minimum requirements:
1. Deciduous trees shall be replaced with native deciduous trees that are no less than two caliper inches (2") in diameter.
 2. Coniferous trees shall be replaced with native coniferous trees that are no less than three feet (3') in height and no more than four feet (4') in height. A three foot (3') mitigation tree shall equate to 2" DBH and four foot (4') mitigation tree will equate to 3" DBH.
 3. The total linear DBH measurement of the trees to be removed shall be mitigated with the necessary number of trees at least two caliper inches (2") in diameter.

4. Significant Grove or SNRA On-Site Mitigation, 2:1 Planting Ratio.

- A. Residential, Commercial, or Industrial Zoning Districts: For tree removal proposals which remove more than 50% and up to and including 75% of the surveyed non-exempt DBH, if all mitigation tree planting is to occur on-site, the ratio for planting shall be on a 2:1 basis.

For example, if 20 inches of DBH is the total amount of required mitigation, if all the mitigation planting occurs on the site where the removal is to occur, then only 10 inches of DBH is required to be planted.

- B. Multiple Use Zoning Districts: For tree removal proposals which remove more than 50% and up to and including 85% of the surveyed non-exempt DBH, if all mitigation tree planting is to occur on-site, the ratio for planting shall be on a 2:1 basis.

For example, if 20 inches DBH is the total amount of required mitigation, if all the mitigation planting occurs on the site where the removal is to occur, then only 10 inches of DBH is required to be planted.

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5. Significant Grove or SNRA Off-Site Mitigation, 1:1 Planting Ratio.

- A. Residential, Commercial, or Industrial Zoning Districts: For tree removal proposals which remove more than 50% and up to and including 75% of the surveyed non-exempt DBH, if mitigation tree planting is to occur off-site, the ratio for planting shall be on a 1:1 basis.
- B. Multiple Use Zoning Districts: For tree removal proposals which remove more than 50% and up to and including 85% of the surveyed non-exempt DBH in Multiple Use zones, if mitigation tree planting is to occur off-site, the ratio for planting shall be on a 1:1 basis.

6. Significant Grove or SNRA Tree Plan 3 Mitigation, 1:1 Planting Ratio.

- A. Residential, Commercial, or Industrial Zoning Districts: For tree removal proposals which remove more than 75% and up to and including 100% of the surveyed non-exempt DBH, all of the required mitigation tree planting shall be on a 1:1 basis whether planted on-site or off-site.
- B. Multiple Use Zoning Districts: For tree removal proposals which remove more than 85% and up to and including 100% of the surveyed non-exempt DBH, all of the required mitigation tree planting shall be on a 1:1 basis whether planted on-site or off-site.

7. In-Lieu Fee. If the total caliper inch on-site- or off-site tree planting mitigation does not equal the DBH inch removal or if no tree planting mitigation is proposed, the remaining or total caliper inch tree planting mitigation shall be provided as a fee in-lieu payment. The in-lieu fee shall be specified in the Community Development In-Lieu Fee schedule. Fee revenues shall be deposited in the City's Tree Mitigation Fund.

60.60.25.7.

The following two tables illustrate how required mitigation will be calculated:

Mitigation Example for Mixed Use Zones – SAMPLE SITE*	
DBH of Surveyed Trees	1318.00
DBH Proposed for Removal (MAXIMUM removal allowed is 85% Surveyed Tree DBH)	1120.00
Mitigation Threshold (50% Surveyed Tree DBH)	659.00
DBH to be Mitigated (85% DBH Removal – 50% DBH Threshold = 25% Surveyed DBH)	461.00
On Site Mitigation (50% of the DBH to be mitigated)	230.50
Off Site OR Partial Off Site Mitigation (100% of the DBH to be mitigated)	461.00

Please note: This "Sample Site" is **fictional and is only meant to be a representation of how the regulations of Section 60.60 Trees and Vegetation could be applied to a site.*

Mitigation Example for All Other Zones – SITE SAMPLE*	
DBH of Surveyed Trees	1318.00
DBH Proposed for Removal (MAXIMUM removal allowed is 75% Surveyed Tree DBH)	988.00
Mitigation Threshold (50% Surveyed Tree DBH)	659.00
DBH to be Mitigated (75% DBH Removal – 50% DBH Threshold = 25% Surveyed DBH)	329.00
On Site Mitigation (50% of the DBH to be mitigated)	164.50
Off Site OR Partial Off Site Mitigation (100% of the DBH to be mitigated)	329.00

Please note: This "Sample Site" is **fictional and is only meant to be a representation of how the regulations of Section 60.60 Trees and Vegetation could be applied to a site.*

8. In addition to the standards in Mitigation Standards 1, the following standards shall apply to mitigation for the removal of a Significant Individual Tree:
 - A. A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.
 - B. Mitigation for the removal of a Significant Individual Tree shall be the required replacement of each tree on based on the total linear DBH measurement. Replacement of trees shall be as follows:

**Replacement Table for
Significant Deciduous Trees**

Caliper-inches removed	Minimum total caliper-inches of replacement trees
6-12"	4"
13-18"	6"
19-24"	8"
Over 25"	9"

Minimum replacement tree size is 2 caliper-inches for deciduous trees.

60.60.25.8.B.

**Replacement Table for
Significant Coniferous Trees**

Caliper-inches removed	Minimum number of replacement Trees
6-12"	1
13-24"	2
Over 25"	3

Minimum replacement tree size is 3-feet minimum to 4-feet maximum height for coniferous trees.

9. The following standards apply to the replacement of a Landscape Tree:
 - A. A replacement tree shall be a substantially similar species or a tree approved by the City considering site characteristics.
 - B. If a replacement tree of the species of the tree removed or damaged is not reasonably available, the City may allow replacement with a different species.
 - C. Replacement of a Landscape Tree shall be based on total linear DBH calculations at a one-to-one ratio depending upon the capacity of the site to accommodate replacement tree or unless otherwise specified through development review. Replacement of tree on a one-to-one basis shall be as follows:
 1. Calculate the sum of the total linear DBH measurement of the tree to be removed.
 2. The total linear DBH measurement of the tree to be removed shall be replaced with tree at least 1.5 caliper inches in diameter. The total caliper inches of the replacement tree shall be at least equal to the sum total of the linear DBH measurement of the removed tree.

60.65. UTILITY UNDERGROUNDING [ORD 4118; August 2000]

60.65.05. Purpose. The purposes and objectives of locating existing and proposed private utilities underground are to:

1. Implement the policies, goals, and standards of the City Council and the adopted Comprehensive Plan of the City of Beaverton.
2. Improve aesthetics of the community by reducing the number of utility poles and above ground wires.
3. Provide consistency in management of the City's rights-of-way.
4. Protect essential public services from natural and manmade accidental disruptions.
5. Improve public safety by reducing the possibility for injury from downed lines.
6. Allow fewer fixed obstructions in the public right-of-way.

60.65.10. Authority. The provisions of private utility undergrounding shall pertain to all activities subject to Design Review, Section 40.20, as well as Land Divisions, Section 40.45.

60.65.15. Regulation. All existing and proposed utility lines within and contiguous to the subject property, including, but not limited to, those required for electric, communication, and cable television services and related facilities shall be placed underground as specified herein. The utilities required to be placed underground shall be those existing overhead utilities which are impacted by the proposed development and those utilities that are required to be installed as a result of the proposed development.

1. At the option of the applicant and subject to rules promulgated by the Oregon Public Utility Commission (PUC), this requirement does not apply to surface mounted transformers, surface mounted connection boxes and meter cabinets, which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and that portion of a project where undergrounding will require boring under a collector or arterial roadway, and City funded roadway projects which the City Council has specifically considered and declined to fund utility undergrounding as a component of the roadway project, Washington

60.65.15.

County funded roadway projects, such as MSTIP projects, and Oregon Department of Transportation funded roadway projects. [ORD 4343; March 2005] [ORD 4363; August 2005]

2. The developer shall make all necessary arrangements with the serving private utility to cause the utility service(s) to be placed underground;
3. The City reserves the right to approve surface mounted facilities;
4. All underground public and private utilities shall be constructed or installed prior to the final surfacing of the streets; and
5. Stubs for service connections and other anticipated private extensions at street intersections shall be long enough to avoid disturbing street surfaces and right-of-way improvements such as sidewalks and landscaping areas when service connections are made.
6. Unless otherwise specifically required in an existing franchise between the City and the particular private utility, or PUC rule, the applicant or developer responsible for initiating the requirement for placing overhead utilities underground is responsible for the cost of converting all existing customer equipment and private utilities on private or public property, or both to meet utility undergrounding requirements.
7. If the private utility service provider requires an applicant, as a component of the applicant's placing private utilities underground, to install facilities to accommodate extra capacity beyond those necessitated by the proposed development, the private utility service provider shall be financially responsible for providing the means to provide such extra capacity.

60.65.20. Information on plans. The applicant for a development subject to design review, subdivision, partition, or site development permit approval shall show, on the proposed plan or in the explanatory information, the following:

1. Easements for all public and private utility facilities;
2. The location of all existing above ground and underground public and private utilities within 100 feet of the site;

60.65.20

3. The proposed relocation of existing above ground utilities to underground; and
4. That above ground public or private utility facilities do not obstruct vision clearance areas pursuant to Section 60.55.50. of this Code.

60.65.25. Optional Fee In Lieu of the Undergrounding Requirement. If any of the following criteria are met as determined by the City, after receiving a recommendation from the Facilities Review Committee, at the applicant's option, applicant shall either immediately place the private utilities underground or pay a fee to the City toward future undergrounding in lieu of immediately placing private utilities underground. [ORD 4224; August 2002]

Criteria. An applicant may request an optional fee in-lieu of the undergrounding requirement by submitting a written request to the Director that addresses how one or more of the following criteria are met. The written request shall include the information required in Sections 60.65.20.2. and 3., shall identify the segment of the required utility undergrounding that meet the criteria below, and shall explain in narrative and graphic form how one or more of the criteria are met. [ORD 4224; August 2002]

1. Placement of private utilities underground would conflict with the current City of Beaverton *Engineering Design Manual and Standard Drawings* or the *Clean Water Service's Design and Construction Manual*, as applicable;
2. An improvement project(s), which would include placement of said private utilities underground, other than as a part of the proposed development, are funded in the City's or another public agency's current fiscal year budget, are under design, or are under construction, and the City has determined that utility undergrounding can be accomplished more efficiently as part of such other improvement project(s).
3. Excluding service connection(s) of private utility(s) to structure(s), the length of any one of the three private utilities within or contiguous to the subject property to be placed underground is less than the corresponding threshold distance outlined in Table 60.65.25.3. If any of the existing or proposed utilities meets the corresponding threshold,

60.65.25.3

as specified in this criterion, then, at the option of the applicant, the applicant shall either pay a fee in-lieu for undergrounding all of said utilities that are not already underground or place all of said utilities underground. If any of the utilities exist and are deemed exempt from the undergrounding requirement, as specified in Section 60.65.15.1., only that exempt utility shall not be required to pay an in-lieu fee. All other existing utilities that share the location of the exempt utility shall either pay an in-lieu fee or be placed underground.

Table 60.65.25.3.

	Threshold	<u>Electric</u>	<u>Telephone</u>	<u>Cable Television</u>
A.	500 feet	Tap lines with at least 2 poles	Class 1 (0 to 300 conductors)	Service drops
B.	600 feet	Sub-feeder with at least 3 poles	Class 2 (301 to 600 conductors)	Feeder
C.	800 feet	Feeder with at least 5 poles	Class 3 (601+ conductors or fiber optic)	Trunk or fiber optic

60.65.30. Fees to be Paid In-Lieu of Undergrounding.

1. Applicants subject to the undergrounding in-lieu fee shall pay to the City an amount per linear foot of each private utility that is subject to underground relocation which is not placed underground. The amount of the fee shall be established by the City Council by resolution and shall be based on average costs of undergrounding by the private utility providers.
2. All in-lieu fees paid to the City shall be dedicated to future private utility undergrounding projects in which the City takes part. Any in-lieu fees paid on behalf of a particular property shall not have such property subject to future assessment or other City charge for the same work unless a credit is given for the fee having been paid.
3. By accepting an in-lieu fee, the City is not thereby assuming responsibility for placing overhead private utilities underground. In the event that an in-lieu fee has been paid to the City, the City shall credit all properties as to which the owner has paid in-lieu fees for undergrounding private overhead utilities against any future public assessment(s) or charge(s) in connection with such private utility undergrounding project(s).

SPECIAL REQUIREMENTS

Utility Undergrounding

4. All in-lieu fees shall be paid prior to the issuance of a Site Development Permit.

60.65.35. City to establish priorities. Any funds collected from the in-lieu undergrounding fees may be used by the City to off set the costs of undergrounding any private utilities as part of any project listed in the CIP, subject to the following priorities:

1. Collected in-lieu fees shall be used for private utility undergrounding project(s) that are within 2,500 feet of the site that paid the in-lieu fee.
2. Private utility undergrounding project(s) that are within the 2,500 feet of sites where fees have been collected and where other public construction project(s), such as road improvements or other utility work have been identified, shall be ranked higher than projects where no in-lieu fees have been collected and no construction projects have been identified for inclusion in the CIP.
3. Private utility undergrounding project(s) that are within the 2,500 feet of sites where fees have been collected for private utility undergrounding shall be ranked higher in priority than those where no in-lieu fees have been collected.

60.67. SIGNIFICANT NATURAL RESOURCES. [ORD 4157; April 2001]

60.67.05. Local Wetland Inventory. Prior to issuing a development permit, the Local Wetland Inventory map shall be reviewed to determine if the site proposed for development is identified as the location of a significant wetland.

1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant wetlands shall be subject to relevant procedures and requirements specified in Chapter 50, of this ordinance.
2. Upon City's determination that a site contains wetland as identified on the Local Wetland Inventory map, notice of the proposed development shall be provided to the Division of State Lands (DSL) in a manner and form prescribed by DSL pursuant to ORS requirements.

60.67.10. Significant Riparian Corridors. Prior to issuing a development permit, the list of Significant Riparian Corridors shall be reviewed to determine if the site proposed for development is identified as being listed corridor.

1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including riparian corridors, shall be subject to relevant procedures and requirements specified in Chapter 50 of this ordinance.

60.70. WIRELESS COMMUNICATIONS FACILITIES. [ORD 4248; April 2003]

60.70.05. Purpose

1. The purpose of these regulations is to ensure that Wireless Communications Facilities (WCF) are regulated in a manner that:
 - A. Conforms to the federal Telecommunications Reform Act of 1996.
 - B. Promotes universal communication service to all City residents, businesses and visitors.
 - C. Establishes clear and objective standards for the placement, design and continuing maintenance of WCF.
 - D. Minimizes the adverse visual, aesthetic and structural safety impacts of WCF on residential neighborhoods and on the community as a whole.
 - E. Encourages the design of WCF to be as aesthetically and architecturally compatible as possible with the surrounding natural and built environments.
 - F. Encourages collocation of WCF on existing support structures to minimize the number of new facilities required.
 - G. Ensures that regulations do not constitute a barrier to entry and apply to providers on a competitively neutral basis.

60.70.10 Applicability

1. The regulations contained within this section shall apply to the construction or installation or modification of Wireless Communication Facilities (WCF) within the municipal limits of the City of Beaverton.

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2. Regulations contained in this section shall apply to wireless communication facilities used for essential public communication services conducted by police, fire, and other public safety or emergency networks.
3. Compliance with the regulations contained within this section shall be required in addition to any other applicable standards and regulations contained within the Code.

60.70.15 Federal and State Compliance

1. In addition to compliance with the regulations in this section, the applicant shall be responsible for the identification of and compliance with all applicable federal and state regulations pertaining to WCF.
2. Permanent alterations to previously City reviewed and approved WCF resulting from the adoption of new or updated federal and/or state regulations shall be reviewed through the City's development review process prior to the making of such alterations, unless local review and approval is exempted by federal or state statute.

60.70.20 Exemptions

1. All of the following are exempt from the regulations contained in this section of the Code:
 - A. Emergency or routine repairs, or maintenance of existing facilities and of transmitters, antennas or other components of existing facilities that do not increase the size, footprint, or bulk of such facilities, and which otherwise comply with City, state and federal regulations.
 - B. Federally-authorized industrial, scientific and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission (FCC) in Part 18 of Title 47 of the Code of Federal Regulations (CFR).
 - C. Amateur radio facility antennas, or a combination of antennas and support structures seventy (70) feet or less in height as measured from the base of the support structure consistent with ORS 221.295. This includes antennas attached to towers capable of telescoping or otherwise being extended by

60.70.20.1.

mechanical device to a height greater than 70 feet so long as the amateur radio facility is capable of being lowered to 70 feet or less. This exemption applies only to the Beaverton Development Code and does not apply to other applicable city, state, and federal regulations. Amateur radio facilities not meeting the requirements of this exemption are considered non-exempt, and must comply with Section 60.70.45.

- D. Military and civilian radar equipment, operating within the regulated frequency ranges, for the purpose of national, state or local defense or aircraft safety.
- E. Antennas and associated equipment completely located within the interior of an existing or proposed structure with no associated exterior equipment, the purpose of which is to enhance or facilitate communication functions within the structure or other structures on the site.
- F. Satellite antennas up to and including two (2) meters in diameter in commercial, multiple use, and industrial zoning districts.
- G. Direct-to-home satellite service and satellite antennas up to and including one (1) meter in diameter located in residential zoning districts.
- H. AM or FM radio broadcast towers and equipment, or television broadcast towers and equipment, as regulated by the Federal Communications Commission (FCC).
- I. Antennas installed by a public agency for the purpose of emergency communications that are less the 30-inches in diameter affixed to existing structures with associated equipment completely located within the interior of an existing or proposed structure. [ORD 4397; July 2006]

60.70.25 Non-Conforming Use Status for Existing Wireless Communication Facilities

- 1. WCF and associated equipment and site improvements in existence as of May 8, 2003 that are nonconforming as to the use or development standards contained in this Code section shall be subject to the provisions of Chapter 30 (Non-Conforming Uses) except:

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- A. A proposal to collocate new antennas on existing non-conforming structures shall comply with the standards of this Section.
- B. Abandoned facilities shall not be considered non-conforming uses and shall comply with Section 60.70.65.
- C. If the owner, operator or both propose a permanent alteration of an existing non-conforming WCF, the use, structure, or both shall lose its non-conforming status and shall comply with the provisions of this section. For the purposes of this Code, a permanent alteration shall consist of the removal of an existing tower support structure, except as modified by Section 60.70.25.1.D-E.
- D. For purposes of collocation, or routine maintenance, the removal and replacement of existing transmitters, existing antennas, existing equipment shelters, and existing on-site improvements, including but not limited to, landscaping, fencing, paving, shall not be considered permanent alterations unless the removal and replacement of any or all of the above results in the expansion of existing on-site developed area beyond the previous land use approval. The expansion of previously approved existing on-site developed area shall result in the loss of non-conforming status and shall require compliance with the provisions of this Section.
- E. For satellite antennas not exempted by this Code, the removal and replacement of these stations shall not be considered a permanent alteration, provided that the diameter of the replacement satellite antennas shall be no more than fifty (50) percent greater or four (4) meters greater, whichever is less, of the existing diameter of the satellite antenna. The installation of replacement satellite antennas greater than fifty (50) percent or more than four (4) meters of the existing station diameter shall result in the loss of non-conforming status and shall require compliance with the provisions of this Section.
- F. The addition of new WCF antennas, or equipment shelters, or on-site improvements shall not be considered permanent alterations to an existing non-conforming WCF, but shall be reviewed under applicable provisions of this Section.

60.70.30. Permit Process. Applicants shall refer to Chapter 20 (Land Uses) of this Code to determine whether a proposed WCF is a permitted use, a conditional use or a prohibited use within a specific underlying zoning district. The different permit types and associated thresholds are specified in Chapter 40 (Applications). The procedures for the review and approval of applications are contained in Chapter 50 (Procedures) of this Code.

60.70.35 Development Standards for WCF. Development Standards Applicable to All Zoning Districts. Except as noted in Section 60.70.35.18, the following development standards shall apply to all wireless communication facilities (WCF), excluding satellite antennas in all zoning districts. Refer to Section 60.70.40 for development standards for satellite antennas:

1. General:

- A. Lattice tower support structures are prohibited.
- B. Guyed tower support structures are prohibited.
- C. “Top hat” antenna arrays are prohibited.
- D. Collocation of new WCF antennas on existing lattice tower support structures, or guyed tower support structures is allowed.
- E. Davit arms extending a maximum of five (5) feet out from the connection with the tower body may be used to support individual antennas. [ORD 4397; July 2006]
- F. The attachment of WCF and associated equipment to any tree is prohibited.

2. Height:

- A. The maximum height of any new WCF tower, WCF antenna collocation, or both shall conform to the maximum height standards specified in the site development requirements in Chapter 20 (Land Uses) for residential, commercial, multiple use, and industrial zoning districts.

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- B. The height of any type of WCF shall include the support structure and any attached antennas. A lightning rod that is up to and including ten (10) feet tall and any required lighting by the Federal Aviation Administration (FAA) shall not be included within the calculation of the maximum height.
- 3. **Lighting.** The installation of light fixtures to a WCF tower is prohibited except for lighting required by the Federal Aviation Administration (FAA) or the Oregon Department of Aviation (ODA). A maximum of one (1) motion-sensitive or permanently shielded light fixture attached at or near the entrance door to the at-grade equipment shelter shall be allowed.
- 4. **Signage:**
 - A. For new WCF towers and/or proposed collocation of WCF on existing towers one (1) non-illuminated sign having a maximum sign face of three (3) square feet and comprised of a white background with black lettering shall be provided and shall be permanently affixed to the entrance gate of the required fence. The sign shall identify the name of the WCF provider(s) and shall specify an emergency contact telephone number. For proposed collocation actions, the applicant for collocation shall be responsible for the production and installation of a required sign for the existing WCF service provider(s) if not already present at the site.
 - B. No additional signage including logos and advertisements shall be allowed on any new or existing WCF towers, at grade equipment shelters or required fencing.
- 5. **Fencing.** A sight-obscuring fence that is a minimum of six (6) feet high shall prohibit public access to WCF towers, or shall screen all at-grade equipment shelters, or both. Sight-obscuring fencing shall consist of chain link with slats, vinyl, wood, masonry, or brick.

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6. Landscaping:

- A. Screening Landscaping for At-Grade Equipment Shelters. At-grade equipment shelters shall be screened with evergreen shrubs installed immediately outside of the required fencing on all sides. The portion of the fenced enclosure used as an access gate shall feature wooden slats or other sight-obscuring material in lieu of landscaping. Evergreen shrubs shall:
1. Be planted with a minimum height of four (4) feet.
 2. Be spaced evenly apart to create adequate screening density, provided that the maximum spacing shall be thirty-six (36) inches on center.
 3. Be of a species that attains a minimum mature height of ten (10) feet.
 4. Be planted in a manner to attain a one hundred (100) percent survival rate within the first year of planting.
 5. Be comprised of a variety of species.
- B. Requirement for Evergreen Trees. In addition to the landscaping requirements specified in Section 60.70.35.6.A, the decision-making authority may require the planting of evergreen trees when a new WCF tower is located on property within or immediately abutting residential, or multiple use zoning districts. When required, evergreen trees shall:
1. Be placed immediately outside of a required fenced enclosure on all sides within or abutting the same planting area for the required evergreen shrubs.
 2. Be planted with a minimum height of ten (10) feet.
 3. Be planted a maximum of thirty (30) feet on center.
 4. Be of a species that attains a minimum mature height of thirty (30) feet.

60.70.35.6.B.

5. Be planted in a manner to attain a one hundred (100) percent survival rate within the first year of planting,
7. **Visual Impacts.** The decision-making authority shall identify whether new WCF towers shall either be left in a non-reflective metal finish or shall be painted based on the characteristics of the surrounding terrain in which the parent parcel is located, unless required by the FAA to be painted in an alternating red-and-white striped pattern.
8. **Noise.** Noise-generating equipment shall be sound-buffered by means of baffling or structural barriers to reduce the sound level measured at the property line abutting residential, and multiple-use zoning districts.
9. **At-Grade Equipment Shelters.** Equipment shelters and other associated on-ground equipment shall be constructed of wood, metal, or masonry materials and shall be painted in a color that is consistent and compatible with surrounding development. Roofing and other architectural treatments proposed for the material shall also be consistent and compatible with surrounding development.
10. **Stealth Design.** Chapter 90 (Definitions) of this Code defines stealth design. The purpose of stealth design is to minimize the visibility of wireless communications facilities by disguising, concealing, or camouflaging these facilities. Acceptable methods of stealth design include, but are not limited to:
 - A. **Disguised as Other Structures or Elements of Physical Environment.** WCF support structures, antennas and associated equipment that are disguised to look like another structure including but not limited to a flagpole or church cross or are made to appear part of the natural environment such as an evergreen tree. Disguised WCF facilities shall not contain any visible exterior attributes of a WCF support structure, antenna and associated equipment.

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- B. Concealed Roof-Mounted Antennas. WCF antenna array installed on a building roof shall be concealed from the ground level of abutting public streets and adjacent properties. Acceptable types of screening are placement behind the roof parapet, within or on the mechanical penthouse or on a roof-mounted building element such as a chimney, exhaust pipe, cupola, bell tower or flagpole.
 - C. Camouflaged Roof-Mounted Equipment Shelters. Roof-mounted equipment shelters shall be camouflaged from the ground level of abutting public streets and adjacent properties. Acceptable types of screening are placement within the interior of the building or the structure, behind the roof parapet, within a mechanical penthouse or completely within a roof-mounted element such as a chimney, exhaust pipe, cupola or bell tower.
- 11. Allowable Height for Building Roof-Mounted Antennas.** Antennas mounted on building roofs shall not extend beyond the maximum height for buildings of the underlying zoning district. The antenna height shall be measured from the existing height of the building roofline. All roof-mounted antennas shall comply with the stealth design requirements of Section 60.70.35.10.
- 12. Building Wall-Mounted Antennas.** Any WCF antennas mounted to the roof edge or sidewall elevation of a building shall be completely covered with the same exterior finish and painted the same color as the exterior of the building or structure.
- 13. Structure Mounted Antennas.** Any WCF antennas mounted to a structure that is not a building shall comply with the following standards:
- A. Antennas shall not extend beyond the maximum height for structures of the underlying zoning district.
 - B. Antennas on existing tower structures or pole structures, other than those used for cellular phone service shall extend a maximum of ten (10) feet above the existing structure height as measured from its tallest point.

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- C. Antennas on water reservoir tanks shall extend a maximum of five (5) feet above the existing structure height as measured from its tallest point.
 - D. Antennas on water reservoir tanks shall be painted the same color as the tank.
- 14. Setbacks.** All new WCF towers, antenna arrays, and ground and/or roof-mounted equipment shelters shall comply with the setbacks established in the underlying zoning district. These standards shall also apply to WCF collocation proposals:
- A. In all underlying zoning districts, new WCF towers, building wall-mounted antennas and at-grade equipment shelters shall comply with all setbacks contained in the underlying zoning district. For the purposes of this Code, the setback shall be measured from the portion of the WCF tower including the antenna array, at-grade equipment shelter or building wall-mounted antennas that extend outward towards the property line to the greatest extent.
 - B. New WCF towers located on commercially or industrially zoned property shall be set back a minimum of fifty (50) feet from the property line(s) that abuts a residential, or multiple use zoning district, regardless of the setback established in the underlying zoning district, except that the decision-making authority may authorize an Adjustment or Variance to this standard, if the applicant can demonstrate that such an Adjustment or Variance would reduce the visual impacts of the tower on adjacent property because of vegetation, topography, intervening buildings, or other site-specific factors. Adjustments and Variances shall be authorized through the Adjustment and Variance provisions specified in Chapter 40 (Applications).
 - C. Regardless of the setback requirements in the underlying zoning district, new WCF towers not designed to collapse within itself shall be set back from all property lines by a distance equal to the height of the tower plus five (5) additional lineal feet.

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- 15. Parking.** A minimum of one (1) readily accessible parking space shall be provided to serve new WCF towers or collocated WCF for the purpose of regular maintenance or emergency repairs. The decision-making authority may waive the minimum-parking requirement. Waivers may be authorized if the applicant can demonstrate that there is existing on-site parking, on-street parking, leased parking, or parking on separate adjacent property authorized for use by a written agreement.
- 16. Clustering of Towers.** Clustering of towers shall be prohibited in all residential and multiple use zoning districts. Proposals for the clustering of towers in commercial and industrial zoning districts shall comply with all development standards of this Section, and other applicable sections of the Development Code.
- 17. Collocation Capacity.** New WCF towers and associated site area shall be designed to accommodate a minimum of one (1) additional future service. Collocation capacity shall be reserved through all of the following methods:

 - A. Construction of a tower of sufficient height to accommodate a minimum of two (2) antenna arrays; and,
 - B. Installation of a foundation of adequate size and structural bearing capacity to accommodate a tower with a minimum of two (2) antenna arrays; and,
 - C. Provision of a fenced enclosure of sufficient size to accommodate the equipment shelters for a minimum of two (2) antenna arrays.

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18. Specific Development Standards-Multiple-Use Zoning Districts.

The following standards are specific to WCF on lots in multiple use zoning districts and are in addition to the other development standards specified in this section of the Code:

- A. Equipment for new WCF towers or new attached WCF or incorporated WCF shall either be placed underground, entirely within an existing building, on a screened rooftop, or entirely within a new above ground structure constructed solely for the purpose of housing this equipment. This enclosed building shall be architecturally treated to blend in with the surrounding built environment. Acceptable types of architectural treatments include but are not limited to painted metal roofs, faux windows, awnings, canopies, brick, or colored or textured masonry.
- B. Cables and other connection devices between equipment shelters and new WCF towers or new attached WCF or incorporated WCF shall be placed entirely underground, or shall be placed above-ground in a completely enclosed structure. If placed above-ground, the completely enclosed structure shall be compatible in scale, design, and materials to the above-ground equipment shelter, and the surrounding built environment.
- C. For new WCF towers located on a lot that because of physical site constraints, tower related site design, or lease or ownership restrictions cannot be developed for any other permitted use while the tower is in operation, property perimeter structural bearing walls having a minimum height of ten (10) feet and composed of brick or colored and textured masonry or a combination of brick and colored and textured masonry shall be installed along all property lines for the portion of the lot being developed for WCF, abutting public streets. Required perimeter walls shall have architectural treatments including but not limited to faux windows, or awnings, covering a minimum of fifty (50) percent of each wall elevation; provided, the Director may determine a different type of perimeter treatment along property lines not abutting public streets for compatibility with the current uses of abutting properties.

60.70.35.18.

- D. For new WCF towers located on property that could be developed for another use concurrent with the tower operation, the tower and, if applicable, above-ground equipment building shall be placed on the lot so as to not preclude future development of the remaining portion of the site and to allow for conformance to site design, parking and other applicable standards. Any lot area not proposed for WCF development that is disturbed by site development activity shall be landscaped. The decision-making authority shall determine the type of landscaping based on the existing landscaped nature of the lot and abutting lots.
- E. For WCF towers located on property occupied by an existing use, the tower and, if applicable, above grade equipment building, shall be located shall be placed on the site so as to not preclude future redevelopment of the remaining portion of the site or future compliance with code requirements for a different use of the site.

19. Specific Development Standards – WCF in Public Road Right-of-Way. The following standards are specific to the installation of WCF on street lights in public road rights-of-ways, excluding street lights on power poles, traffic signal lights, and high voltage power utility poles, and are in addition to the other development standards specified in this section of the Code: [ORD 4365; September 2005]

- A. Installation of WCF on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles shall not jeopardize the physical integrity of these structures.
- B. Antennas shall be flush-mounted or otherwise not exceed the existing diameter of the structure at the mounting point for the antennas. No mounted arm antennas are permitted.
- C. Antennas mounted on a structure shall not extend beyond the permitted height of the underlying zoning district.
- D. Antennas, including any mounting devices, shall extend no more than ten (10) feet above the existing height of the structure.

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- E. Antennas shall be painted to match the color of the structure.
- F. Replacement of the existing streetlight, traffic signal light, or high voltage power utility pole may be authorized, provided that such replacement is the same diameter as the original structure, that the replacement structure is intended to fully contain antennas and associated equipment, and that the height of the replacement structure is no greater than ten (10) additional feet in height than the original structure.
- G. Equipment cabinets shall be placed underground, unless it can be demonstrated that there is a physical obstruction to such placement. Physical obstructions include, but are not limited to, existing underground utilities, and too narrow right-of-way. In those instances, where a physical obstruction is demonstrated by the applicant to exist, the City may allow above-ground mounting of equipment to the structure, however, no at-grade equipment cabinet or equipment in the public road right-of-way, or on private property abutting the structure is permitted. The mounting of equipment to the structures shall conform to the following:
 - 1. The smallest antennas, equipment, and equipment cabinets to satisfy engineering requirements and service objectives shall be utilized.
 - 2. All cabling, mounting hardware, and equipment shall be painted to match the color of the structure.

60.70.40 Development Standards for Satellite Antennas. The following development standards shall apply to all satellite antennas in all zoning districts, except for satellite antennas and direct-to-home satellite services exempted by Section 60.70.20.1.F-G:

- 1. New satellite antennas shall be mounted on the ground or on building roofs only.
- 2. New satellite antennas shall not be mounted on lattice towers or guyed tower support structures.

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3. New ground-mounted satellite antennas shall be screened from view from abutting properties, or public right-of-way, or both in a manner that does not detract from the function of the antennas. Screening shall be done through vegetative landscaping, or sight obscuring fencing, or a combination of both, on all directions, except for the direction that the antenna is oriented for sending, receiving, or both. The decision-making authority shall determine the appropriate type and height of screening based on the area proposed for development, the nature of the surrounding development, and the proximity of the development area to this surrounding development.
4. New building roof-mounted satellite antennas shall be screened from view from abutting properties, or public right-of-way, or both in a manner that does not detract from the function of the antennas. Screening shall be done through the placement of the antennas behind parapet walls or other permanent architectural features.

60.70.45 Requirements for Non-Exempt Amateur Radio Facilities

1. Non-exempt amateur radio facilities may not be erected until a valid building permit has been obtained from the City of Beaverton.
2. Notwithstanding Chapter 30 of the Development Code, the following rules apply to non-exempt amateur radio facilities in existence on or before May 8, 2003:
 - A. Facilities constructed before May 8, 2003 under building permits validly issued on the date of construction are not subject to these regulations.
 - B. Exempt facilities that are proposed to be modified to become a non-exempt facility, shall acquire a new building permit from the City.
 - C. Facilities without permits from the City of Beaverton, Washington County, or Multnomah County shall acquire a building permit from the City.

60.70.50 Required Studies and Information. The following requirements for studies and information shall be provided in addition to the submittal requirements specified in the application checklist to be provided by the Director:

1. For new WCF towers, the following information is required to be submitted at time of application:
 - A. A visual impact report prepared by a licensed engineer or licensed architect shall be submitted. For purposes of this section of the Code, the extent of the adjacent area to be analyzed in this report shall be determined by the Director at the time of pre-application based on the type of tower proposed and the nature of the surrounding development. The visual impact report shall be comprised of:
 1. A written summary of the findings of the visual impact analysis.
 2. A to-scale (engineer scale measurement) vicinity map identifying in plan-view the location of the proposed WCF tower.
 3. A to-scale (engineer scale measurement) aerial plan showing in plan view the location of the proposed WCF tower and the location and type of adjacent development.
 4. A to-scale (engineer scale measurement) elevation drawing indicating the height, dimensions, type, design, materials and color of the tower and any on-ground associated equipment.
 5. A visual graphic simulation of the proposed WCF tower from northern, southern, western and eastern orientations inclusive of adjacent buildings, structures, natural features and public or private streets.
 6. Recommended methods to mitigate the visual impacts of the proposed WCF tower on adjacent properties.

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- B. For a new WCF tower, a coverage analysis report prepared by a licensed engineer or professional engineer with demonstrated experience in the preparation of coverage analysis reports specifying the search ring within which service is proposed inclusive of the location, height and frequency of existing and approved WCF, and addressing the quality of existing wireless service and new wireless service within the search ring.
- C. All WCF applications abutting or within residential, or multiple use zoning districts proposing exterior at-grade equipment shelters shall be accompanied by the equipment manufacturer's written noise specifications if these specifications are proposed to be followed. [ORD 4397; July 2006]
- D. Copy of the license application or received license from the Federal Communications Commission (FCC) or documentation that a license is not required. A copy of an approved license, or evidence of exemption shall be provided to the Community Development Department prior to the issuance of a building permit.
- E. Copy of the permit application or received permit from the Federal Aeronautics Administration (FAA), if applicable. A copy of an approved permit shall be provided to the Community Development Department prior to the issuance of a building permit.
- F. Copy of written authorization from the Oregon Department of Aviation, if applicable. A copy of the written authorization, if applicable, shall be provided to the Community Development Department prior to the issuance of a building permit.
- G. Copies of all environmental reports and assessments required to be submitted to the FCC or FAA for proposed WCF shall be provided to the City at their time of filing with these agencies. It is the applicant's responsibility to conform to all requirements of these agencies resulting from the submittal of the environmental assessments.

60.70.55 Temporary Uses

1. The Director may authorize a temporary WCF inclusive of needed equipment shelters and on-site improvements to facilitate continuity in service during the initial construction, repair, maintenance and/or replacement of permanent equipment. Temporary WCF shall be authorized through temporary use permit provisions specified in Chapter 40 (Applications). The authorization of temporary WCF shall be subject to the following criteria:
 - A. A temporary WCF facility shall be permitted to operate a maximum of ninety (90) days from the date of temporary permit authorization.
 - B. At the discretion of the Director a time extension not to exceed a maximum of ninety (90) days may be granted to facilitate continuity in service provided that a written request letter is submitted a minimum of thirty (30) calendar days prior to the expiration of the initial temporary use authorization.
 - C. The written request letter shall be submitted by an authorized representative of the service provider, shall specify the amount of the additional time request and shall explain the reason(s) for the additional time request.
 - D. Failure to submit the additional temporary use authorization request within the specified timeframe stated herein may result in a denial of the additional temporary use timeframe request.
 - E. All temporary WCF facilities shall be removed a maximum of fourteen (14) calendar days from the expiration of the initial or extended temporary use authorization.

60.70.60 Collocation Protocol

1. **Purpose.** The purpose of this requirement is to create a process that will allow providers to equitably share publicly available, non-proprietary information among themselves, with interested persons and agencies, and with the City. This collocation protocol is designed to increase the likelihood that all reasonable opportunities for collocation of wireless communication antennas on existing towers have been investigated and the appropriate information has been shared among providers. The City recognizes that collocation is preferable, where technologically feasible and visually desirable, as a matter of public policy, but that collocation is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit requests, such disclosure will allow providers to have the maximum amount of time to consider possible collocation opportunities, and will also assure the City that all reasonable accommodations for collocation have been investigated. The Code creates strong incentives for collocation because proposals for collocation qualify for a less rigorous approval process in almost all zones within the City.
2. **Applicability.** Requirements for the collocation protocol apply only to new WCF towers constructed after May 8, 2003.
3. The applicant shall show proof satisfactory to the City that it has made reasonable inquiries at potential sites for collocation that would otherwise meet the applicant's need for signal coverage.

60.70.65 Abandoned Facilities

1. **Criteria for Removal of Abandoned WCF Facilities.** Abandoned wireless communication facilities inclusive of antennas and at-grade equipment shelters that are not operated for a continuous period of six (6) months shall be removed by the owner of the property on which the WCF is located or by the owner or lessee of the WCF within a maximum of ninety (90) day from the date of a written notice letter from the City. Failure to remove abandoned WCF within this timeframe is hereby declared a nuisance, and shall be subject to abatement under the provisions of local or state law.

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2. Multiple WCF Providers. If there are two or more WCF providers collocated on an abandoned tower, Section 60.70.65.A shall not become effective until all providers cease using the WCF for a continuous period of six (6) months.
3. Time Extension. Prior to the expiration of the ninety (90) day period stated in Section 60.70.65.A, the property owner and/or the WCF owner may request a temporary use permit for an additional ninety (90) day extension to provide time to find another user.

CHAPTER 90 - DEFINITIONS

The following words and phrases shall be construed to have the specific meanings assigned to them by definition.

Words used in present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.

The term “shall” is always mandatory and the word “may” is permissive.

The masculine gender includes the feminine and neuter.

[ORD 4224; August 2002]

Abut. Contiguous to; adjoining with a common boundary line.

Access. The place, means or way by which pedestrians, vehicles or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement.

Access. The place, means or way by which pedestrians, vehicles or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement. (ORD 3494)

Access Management. [ORD 3965, October 1996] City regulations of access to streets, roads and highways from public roads and private driveways. Regulations may include but are not limited to restrictions on the siting of interchanges, restrictions on the type, number and location of access to roadways, and use of physical controls, such as signals, channelization and raised medians.

Accessory Structure or Use. A structure or use incidental, appropriate and subordinate to the main structure or use.

Accessway. [ORD 3965, October 1996] One or more connections that provide pedestrian and/or bicycle passage either between streets or between a street and a building, school, park, transit stop or other destination.

Acreage, Net. [ORD 4046; May 1999] The net acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area. The following areas are deemed undevelopable for the purposes of calculating net acreage:

1. Street dedications and those areas used for private streets and common driveways; and
2. Environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas, tree preservation areas, and Habitat Benefit Areas set aside in conservation easement, separate tract, or dedicated to a public entity; and
3. Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes. [ORD 4414; December 2006]

Added Traffic. [ORD 4103; April 2000] For purposes of fulfilling Section 60.55.10. Traffic Impact Analysis requirements, “added traffic” is defined as traffic generated by developments or phases of developments that have received final development approval but are not yet occupied.

Adjacent. Near or close. For example, an Industrial District across the street from a Residential District shall be considered as "adjacent".

Adjoin. See "Abut".

Advertising Bench. A bench or similar device containing either off-premise or on-premise advertising.

Advertising Structure (Billboard). A notice or advertisement, pictorial or otherwise, and a structure used, or for the support of, the purpose of making anything known about goods, services, or activities not on the same lot as the said advertising structure.

Agricultural Use. The term includes farming, dairying, pasturage, horticultural, floriculture, viticulture, apiaries, and animal and poultry husbandry; it does not include the operation of a feed lot or other commercial feeding of animals.

Alley. A public way providing a secondary means of access to abutting properties.

Alteration, Landmark. The change, addition removal of or from, or physical modification or repair, which affects the exterior appearance of a Landmark; excluding, however, routine maintenance and painting.

Alteration, structural. Any change or repair which would tend to prolong the life of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration.

Amateur Radio Facilities. [ORD 4248; April 2003] The external, outdoor structures associated with an operator's amateur radio service. This includes antennae, masts, towers, and other antenna support structures.

Amateur ("Ham") Radio Services. [ORD 4248; April 2003] Radio communication services, including amateur-satellite service and amateur service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, Part 97 and regulated there under.

Animal Hospital. A place where animals are given medical or surgical treatment and related care.

Antenna. [ORD 4248; April 2003] A device commonly in the form of a metal rod, wire panel or dish used for transmitting or receiving electro-magnetic radiation. An antenna is typically mounted on a supporting tower, pole, mast or building.

Arcade. [ORD 4005, January 1998] A continuously covered area which functions as a weather-protected extension adjacent to a public pedestrian way or sidewalk, with a minimum height of eight (8) feet above finished grade.

Architectural Treatment. [ORD 4332; November 2004] Architectural treatment shall include, but is not limited to, scoring, changes in material texture, and the application of other finish materials such as wood, rock, brick or tile wall treatment.

Area of Influence. [ORD 4013; April 2000] For purposes of fulfilling Section 60.55.10. Traffic Impact Analysis requirements, "area of influence" is defined as, at a minimum, all points of access onto the public street system, all intersections of regional significance (arterials, collectors, and neighborhood routes) within 1000 linear feet from all points of access onto the public street system, and all intersections where the traffic generated by the proposed development exceeds five (5) percent of existing a.m. or p.m. peak hour total intersection traffic volumes based on City-approved trip generation, assignment, and distribution calculations.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. Synonymous with Flood Management Area and Floodplain. (ORD 3563) [ORD 4392; June 2006]

At or Near a Major Transit Stop: [ORD 3965, October 1996]

At a major transit stop means a parcel that is adjacent to or includes a major transit stop or is located within 200 feet of a major transit stop.

Near a major transit stop means a parcel that is within 300 feet of a major transit stop.

Automotive Services, Major. [ORD 3975, February 1997] Service or repair to motorized vehicles, which affect the body or frame. This term includes: painting, bodywork, steam cleaning, tire recapping, major engine or transmission overhaul or repair involving removal of a cylinder head or crankcase, and mechanical car washing.

Automotive Services, Minor. [ORD 3975, February 1997] Service or repair to motorized vehicles, which do not affect the body or frame. This term includes: Gasoline service stations; tire sales or installation, glass installation, radiator repair, detail shops, or other similar service or repair.

Awning. [ORD 4005, January 1998] A roof like structure of fabric stretched over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection.

Baby sitter. A person who goes to the home of a child care giver during the temporary absences of the parent or legal guardian or custodian. (ORD 3613)

Banners. A banner advertising a new business or a change in ownership of a business.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". (ORD 3563) [ORD 4392; June 2006]

Basement. A space wholly or partly underground, and having more than one-half (1/2) of its height, measured from the floor to its ceiling, below the average adjoining finished grade. For floodplain regulation purposes in determining building elevation requirements, this shall include any area having its floor subgrade (below ground level) on all sides. [ORD 4392; June 2006]

Beaverton Comprehensive Plan. The comprehensive plan adopted pursuant to the City of Beaverton Ordinance No. 1800, as now or hereafter constituted.

Best Management Practices (BMPs). [ORD 4414; December 2006] A storm water Best Management Practice (BMP) is a technique, measure or structural control that is used for a given set of conditions to manage the quantity and improve the quality of storm water runoff in the most cost-effective manner. BMPs can be either engineered and constructed systems ("structural BMPs") that improve the quality and/or control the quantity of runoff such as detention ponds and constructed wetlands, or institutional, education or pollution prevention practices designed to limit the generation of storm water runoff or reduce the amounts of pollutants contained in the runoff ("non-structural BMPs"). No single BMP can address all storm water problems. Each type has certain limitations based on drainage area served, available land space, cost, pollutant removal efficiency, as well as a variety of site-specific factors such as soil types, slopes, depth of groundwater table, etc. Careful consideration of these factors is necessary in order to select the appropriate BMP or group of BMPs for a particular location.

Best Management Practices (BMPs), non-structural. [ORD 4414; December 2006] Strategies implemented to control stormwater runoff that focus on pollution prevention, such as alternative site design, education, and quality maintenance.

Best Management Practices (BMPs), structural. [ORD 4414; December 2006] Engineered devices implemented to control, treat, or prevent stormwater runoff.

Bicycle Connection. A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for bicycle use. Bicycle connections include but are not limited to accessways, bicycle lanes, bikeways, shared-use paths and pedestrian bridges. [ORD 4302; May 2004]

Bicycle Facilities. [ORD 4061; September 1999] Means improvements and provisions which accommodate or encourage bicycling, including parking facilities, maps, signs, bike lanes, multi-use paths, and shared roadways designated for bicycle use.

Bicycle Lane (Bike Lane). [ORD 4061; September 1999] Means the area within the street right-of-way designated specifically for use by bicyclists. The same area may also be referred to as a "bike lane." Bicycle lanes are striped and accommodate only one-way travel.

Bikeway. [ORD 4061; September 1999] Means any path or roadway facility that is intended for and suitable for bicycle use.

Billboard. See "Advertising Structure"

Bio-detention. [ORD 4414; December 2006] Detention facility designed to store and slowly release stormwater following a precipitation event by means of an excavated pond, enclosed depression, or tank with the use of vegetation to provide additional pollutant removal and filtering functions.

Bio-retention. [ORD 4414; December 2006] Retention facility designed to allow infiltration of stormwater runoff into the ground with the use of chemical, biological, and physical properties of plants, microbes, and soils to provide additional pollutant removal and filtering functions.

Board of Design Review. [ORD 4224; August 2002] The Board of Design Review of the City of Beaverton or any subcommittee thereof.

Boarding, Rooming or Lodging House. A dwelling or part thereof, other than a hotel, motel or multiple family dwelling, where lodging with or without meals is provided, for compensation, for three (3) or more persons.

Bollard Luminaires. [ORD 4332; November 2004] A luminaire that is attached to or incorporated into the design of bollards and are primarily used for the lighting of non-vehicular circulation areas, including but not limited to pedestrian pathways and bicycle pathways.

Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Envelope. [ORD 4414; December 2006] The internal area of a lot that remains after the minimum yard setbacks are applied.

Building Footprint. [ORD 4414; December 2006] The area of a lot that is covered by parking structures, buildings, or other roofed structures.

Building Height. The vertical distance from the average elevation of the finished grade to the highest point of the structure.

Building Height for Section 20.05.50.4.B. Structures. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
- B. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than 10 feet above the lowest grade.
- C. The height of a stepped or terraced building is the maximum height of any segment of the building. (ORD 3587).

Building Line. A line parallel to the front lot line and passing through the most forward point or plane of a building.

Building, Principal. A structure within which is conducted the principal use of the lot.

Bulk Fuel Dealerships. [ORD 4121; August 2000] A use which includes a refueling gas station that dispenses fuel without the aid of an onsite attendant, to a preapproved credit customer through a special access card-lock system or its equivalent.

Bulk Retail Use. A retail use that is housed in a warehouse style building, is developed as a warehouse style building both on the interior and exterior, sells primarily institutional sized or multi-pack products in bulk quantities, has limited hours of operation and is not part of a larger shopping center. (ORD 3825)

Caliper Measurement. [ORD 4224; August 2002] The thickness of trees measured in inches. A caliper measurement for trees shall be measured 12 inches above the soil line, or across the stump if the tree has been severed at less than 12 inches above the soil line.

Candle Power. [ORD 4332; November 2004] The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot candle. Maximum (peak) candle power is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Canopy. Area of the tree above ground including the trunk and branches measured in mass or volume.

Canopy. [ORD 4079; November 1999] A rooflike structure projecting from the elevation of a structure designed to provide overhead weather protection that maintains at least an eight foot (8') clearance above the ground.

Capacity. [ORD 4302; May 2004] The maximum sustainable flow rate at which vehicles or persons reasonably can be expected to traverse a point or uniform segment of a lane or roadway during a specified time period under given roadway, geometric, traffic, environmental, and control conditions; usually expressed as vehicles per hour, passenger cars per hour, or persons per hour.

Cemetery. [ORD 4102; April 2000] A place in which the deceased are entombed. A cemetery may include crematoria and mortuaries within its boundary. This use includes, but is not limited to: Cemeteries, mausoleums, columbariums, or other similar uses.

Certified Arborist. [ORD 4348; April 2005] An individual who has demonstrated knowledge and competency through obtainment of the current International Society of Arboriculture arborist certification, or who is a member of the American Society of Consulting Arborists.

Changeable Copy Sign. A sign which contains numbers, letters or symbols capable of being changed.

Channelization. The improvement of a waterway to ensure containment of flow within a designated alignment. The purpose for such is to minimize erosion and retain a long range capability to convey the maximum flow discharge. This work may be accomplished with the use of native materials, vegetation, rip-rap, as well as structural improvements.

Child Care Facility [ORD 4365; September 2005] See Nursery, day, or child care.

Citizen Band (CB) Radio. [ORD 4248; April 2003] Two-way radio facilities operated for short range personal and business communications, without necessity of a federal license pursuant to Part 95 of Title 47 of the Code of Federal Regulations (CFR).

City. The City of Beaverton, Oregon.

City Arborist. [ORD 4348; April 2005] The person designated as such by the Director of Operations.

City Engineer. [ORD 4155; April 2001] The City Engineer of the City of Beaverton or the City Engineer's designee.

Clinic, Outpatient. An establishment where human patients are examined or treated by physicians, surgeons, optometrists, dentists or similar State licensed professionals of the healing arts, with patients not lodged overnight.

Closed-end Street. [ORD 4302; May 2004] A street that has only one egress to any other existing street or planned street identified in the local transportation plan. Cul-de-sacs, dead-end and looped streets are examples.

Clustering. [ORD 4248; April 2003] The placement of more than one (1) wireless communication facility tower on a lot. May be referred to as "cell tower farms", "tower farms", "antenna tower farms", or "antenna farms".

Code, This. [ORD 4224; August 2002] The short title of the City of Beaverton Development Code which shall be deemed to include the text of this Code, the accompanying zoning map, and all amendments made hereafter to either.

Collocation. [ORD 4248; April 2003] The location of two or more antenna systems operated by the same or separate FCC licensees ("providers") on a tower dedicated solely to this use.

Commercial Amusements. [ORD 4075; November 1999] Facilities that are intended to primarily provide amusement to spectators. This use includes, but it is not limited to: Theaters, Arenas, Stadiums, Concert Halls or other similar uses.

Community Tree. [ORD 4224; August 2002] A healthy tree of at least ten inches (10") DBH located on developed, partially developed, or undeveloped land. Community Trees are not those trees identified as Significant, Historic, Landscape or Mitigation Trees, trees within a Grove or a Significant Natural Resource Area, or trees that bear edible fruits or nuts grown for human consumption. [ORD 4348; April 2005]

Commuter Rail. [ORD 4295; April 2004] A railway for passenger train service consisting of travel between or within metropolitan areas, central cities and suburbs. Commuter rail service may be either locomotive-hauled or self-propelled and is generally characterized by a limited number of stations, multi-trip tickets, specific station-to-station fares and railroad employment practices. Such commuter service may share the right-of-way of an inter-city or long-haul railroad or use new or vacated right-of-way.

Compatibility, Flexible and Zero Yard Setbacks. [ORD 4224; August 2002] For the purposes of how the phrase “compatible with the surrounding area” is used in the Flexible and Zero Yard Setbacks, the phrase is defined as abutting properties and properties directly across the street from the proposed development. Properties directly across the street from the development shall be those properties perpendicular from the property line of the proposed development.

Comprehensive Plan. See "Beaverton Comprehensive Plan".

Conservation Easement. [ORD 4414; December 2006] Nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open space values of real property, ensuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Construction Project Sign. A sign erected in conjunction with construction projects and used to inform the public of the architects, engineers and construction organizations participating in the project and indicating "future home of" information.

Contiguous. See "Abut".

Controlled Access Street. Encourages indirect access to abutting properties primarily by shared driveways, frontage drives, interconnecting parking lots, or some other means where practical, or some other means as needed to allow for efficient local circulation. (ORD 3494)

Control Delay. [ORD 4302; May 2004] Control delay is the component of delay that results when a control signal causes a lane group to reduce speed or to stop; it is measured by comparison with the uncontrolled condition.

Corner Clearance. [ORD 4302; May 2004] Corner clearance is the distance between a driveway and the nearest crossroad intersection as measured from the face of curb of the intersecting street and the nearside edge of the driveway.

Coverage, Building. That percentage of the total lot area covered by buildings, including covered parking areas.

Crown Cover. The area within the drip line or perimeter of the foliage of a tree.

Cul-de-Sac. A short dead-end street with a circular turn-around at the end. Cul-de-sac length is measured along the centerline of the roadway from the near side right-of-way of the nearest through traffic intersecting street to the farthest point of the cul-de-sac right-of-way. [ORD 4302; May 2004]

Cutoff. [ORD 4332; November 2004] The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

Cutoff angle. [ORD 4332; November 2004] The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff-type luminaire. [ORD 4332; November 2004] A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

Days. [ORD 4224; August 2002] Calendar days, unless specifically stated as working days.

Day, Working. [ORD 4224; August 2002] Days that the City of Beaverton Community Development Department is open for business.

Dead Tree. [ORD 4224; August 2002] A tree that is lifeless. Evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

Decision, Effective Date Of. [ORD 4224; August 2002] Unless otherwise provided, the date of the final written land use order.

Decision Making Authority. [ORD 4224; August 2002] Either the Director, the Planning Commission, the Board of Design Review, or the City Council, depending on the context in which the term is used.

Denial, Final. [ORD 4224; August 2002] The decision to deny a proposal by the appellate decision making authority.

Density, Net. [ORD 4046; May 1999] The number of dwelling units per unit of land expressed as the number of acres of land per dwelling unit. The net density for any lot is computed by dividing the net acreage of the parcel by the number of dwelling units.

De Novo. [ORD 4224; August 2002] Considering the matter anew, the same as if it had not been heard before and as if no decision previously had been rendered.

Design Plan. [ORD 4005, January 1998] A plan for a defined geographic area in single or multiple ownership that is consistent with the Comprehensive Plan and includes, but is not limited to, a land use and circulation plan, development standards, design guidelines, an open space plan, utilities plans and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the Design Review process.

Development. The act of bringing about growth; to construct or alter a structure, to make a change in use or appearance of land, to divide land into parcels, or to create or terminate rights of access. [ORD 4111; June 2000]

Development. Any plat, partition, subdivision or planned unit development that is created under the city's land division or zoning regulations. [ORD 4111; June 2000]

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. (ORD 3563)

Development, Surface Stormwater. [ORD 4155; April 2001] As it relates to Section 50.25, and pursuant to the Clean Water Services Design and Construction Standards manual, development shall refer to all human-induced changes of the following types to improved or unimproved real property: Construction of structures requiring a building permit if such structures are external to existing structures; land division; drilling; site alterations resulting from surface mining or dredging; grading; construction of earthen berms; paving; excavating; and clearing when it results in the removal of trees or vegetation which would require a City permit. The following activities are not included in the definition of development: Farming activities when conducted in accordance with accepted farming practices as defined in ORS 30.930 or under a Senate Bill 1010 water quality management plan, and construction on lots in subdivisions meeting the criteria of ORS 92.040(2).

Diameter at Breast Height (DBH). [ORD 4224; August 2002] The diameter of the trunk of a tree measured at 54 inches above natural grade.

Direct Access. The provision for immediate ingress and egress of vehicles from an abutting property to an adjacent street.

Direct-to-Home Satellite Service (DHSS). [ORD 4248; April 2003] The distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without use of ground receiving or distribution equipment.

Director. [ORD 4224; August 2002] The Director of Community Development for the City of Beaverton, Oregon, or designee.

District, Neighborhood or Major Public Facility Signs. Signs in the public right of way used to direct the public and identify major public facilities, such as city hall and regional parks.

District or Zoning District. A portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code.

Double Face Sign. See "Faces".

Double Frontage Lot. See "Through Lot".

Double wall construction. [ORD 4332; November 2004] Where an interior wall is separated from the exterior wall with framing. The exterior wall has plywood bracing weather proofed with an exterior finishing material such as but not limited to lap siding, brick, or metal.

Drip Line: [ORD 4224; August 2002] A line on the ground below the edge of the maximum overhead canopy of a tree.

Drive-in Use. Any commercial use which permits the driver to transact business from his automobile.

Drive-up Window Facilities. A facility, whether it be a primary or accessory use, other than automobile service station, which is designed to allow patrons to make purchases or receive services at a window or service area while remaining in their motor vehicles. (ORD 3218; July 1981)

Driveway. Means a private drive giving access from a public street to a building or buildings on abutting property. [ORD 4061; September 1999]

Drop-Off Station. [ORD 4224; August 2002] A mobile structure which is used to receive materials such as clothing and other household or office goods donated by the public.

Duplex. A building designed or used exclusively for occupancy of two families living independently of each other and having separate entrance doors, cooking, bathroom and other housekeeping facilities for each family. A duplex is considered a two-family dwelling. (ORD 3293; November, 1982)

Dwelling. Any building or portion thereof designed or used as the residence or sleeping place for one or more persons.

Dwelling, Attached. [ORD 4224; August 2002] A dwelling that is attached to another dwelling, excluding accessory dwellings.

Dwelling, Detached. [ORD 4224; August 2002] A dwelling that is not attached to any other dwelling, excluding accessory dwellings.

Dwelling, Live/Work Unit. [ORD 4058, August 1999] A dwelling unit combining Residential use types with Commercial or Limited Industrial use types. This Use Classification includes, but it not limited to: Hoffice, Live/Work Facilities or other similar uses.

Dwelling Unit. One or more rooms used or intended to be used by one family containing, at a minimum, the living facilities required by the current Oregon Structural Code or applicable ordinance.

Dying Tree. [ORD 4348; April 2005] A tree with greater than 20% dead limbs during the growing season.

Eating or Drinking Establishments. [ORD 3975, February 1997] An establishment where meals or drinks (either alcoholic or non-alcoholic) are prepared and served to the public for consumption. This use includes: Restaurants, Cafes, Delicatessens, Sandwich Shops, Coffee Houses, and Taverns or Bars or other establishments primarily engaged in serving alcoholic beverages.

Eco-roof. [ORD 4414; December 2006] A vegetated roof constructed for water quality and quantity control. Eco-roofs are vegetated roof covers with growing media and plants taking the place of bare membrane, gravel ballast, shingles or tiles. The number of layers and the layer placement vary from system to system and roof type, but all Eco-roofs include a single to multi-ply waterproofing layer, drainage, growing media and the plants, covering the entire roof deck surface.

Effective Impervious Area (EIA). [ORD 4414; December 2006] A subset of Total Impervious Area (TIA) that is hydrologically connected via sheet flow or discrete conveyance to a drainage system or receiving body. EIA contributes significantly to changes in hydrologic function of a watershed. EIA is determined by assessing the level of connectivity of each sublevel land use type (e.g., residential curb and gutter versus residential ditch system) and then tallying by percentage in each sub-watershed. EIA is more difficult to assess than total impervious area or mapped impervious area but provides a more precise measure of actual watershed imperviousness.

Emergency work. [ORD 4332; November 2004] The definition of this term, as it applies to the Transportation Facilities application, is located in the *Engineering Design Manual and Standard Drawings*.

Employees. All persons, including proprietors, working on the premises during the largest shift at peak season.

Enhancement Activities. [ORD 4348; April 2005] Activities implemented for the sole purpose of improving or protecting, or both, the ecological functions and values of streams, wetlands and forest resources. Enhancement Activities do not include any excavation, fill, grading, or other form of earth moving of up to and including fifty (5) cubic yards of earth, the disturbance of up to and including 500 gross square feet of surface area, or both.

Equipment Shelter. [ORD 4248; April 2003] A non-staffed structure used to house and protect the equipment necessary for processing wireless communications signals, which may include air conditioning equipment and emergency generators.

Essential Public Communications Services. [ORD 4248; April 2003] Police, fire and other public safety or emergency networks.

Exempt Tree or Vegetation. The full height and breadth of vegetation that the Planning Director has identified as "solar friendly"; any vegetation listed on a plat map, a document recorded with the plat, or a solar access permit as exempt.

Faces.

- A. Single Face Sign. A single face sign is one with advertising on only one (1) surface of the sign.
- B. Double Face Sign. A double face sign is one with advertising on two (2) surfaces or planes back-to-back. [ORD 4071; October 1999]
- C. Multi-Face Sign. A multi-face sign is one with more than one section or module.

Facilities, Critical. [ORD 4224; August 2002] Critical facilities and services shall include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

Facilities, Essential. [ORD 4224; August 2002] Essential facilities and services shall include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way.

Family. An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption or guardianship living together in a dwelling unit.

Feature roof. [ORD 4332; November 2004] A roof which is a unique roof form calling attention to a particular part of a building such as an entrance, building corners, a steeple, a cupola, or other similar focal points of a building.

Federal Aviation Administration (FAA). [ORD 4248; April 2003] The FAA, a division of the United States Department of Transportation, was established by the Federal Aviation Act of 1958, and is primarily responsible for the advancement, safety and regulation of civil aviation.

Federal Communications Commission (FCC). [ORD 4248; April 2003] The FCC is an independent government agency that was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable.

Fee Ownership. [ORD 4224; August 2002] As the term relates to land divisions, a Fee Ownership Partition or Fee Ownership Subdivision is a land division application which proposes to reduce the site development requirements for lot area, lot dimension, building setbacks, building coverage, landscaping, parking and street frontage for the lot to allow fee ownership of the land on which the building rests in the commercial, industrial, and multiple use zoning districts.

Fence. A barrier grown, placed or constructed for the purpose of obstructing movement or vision.

Fence Sign. A sign attached to or painted on a fence.

Fill. Any act by which earth, sand, gravel, rock or any other similar material is deposited, placed, pulled or transported on the site and includes the conditions resulting there from. The placement of fill is development of land.

Financial Institutions. [ORD 3975, February 1997] An establishment where the principal businesses is the receipt, disbursement or exchange of funds and currencies, such as: Banks, Savings and Loans, or Credit Unions.

Finish Ground Level (Grade). The average elevation of the ground adjoining the structure of building upon which the sign is erected.

Flashing Sign. A sign any part of which flashes, except time and temperature signs.

Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community (ORD 3563)

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry areas from:

- A. The overflow of inland or tidal waters; and/or,
- B. The unusual and rapid accumulation of runoff of surface waters from any source. (ORD 3563)

Flood Management Area. [ORD 4155; April 2001] Pursuant to CWS Design and Construction Standards, the area of inundation that encompasses the floodplain, or the area of special flood hazard, consisting of the following: Land identified within the 100 year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps and land identified in updated flood studies or any other authoritative data documenting flood elevations, as approved by the City Engineer. Synonymous with Area of Special Flood Hazard and Floodplain. [ORD 4392; June 2006]

Floodplain. The zone along a watercourse enclosed by the outer limits of land which is subject to inundation in its natural or lower revised contours by the base flood. Synonymous with Area of Special Flood Hazard and Flood Management Area. [ORD 4392; June 2006]

Flood Surface Elevation. Those elevations to which flood waters will rise at a given location for a specified flood or base flood if not otherwise specified. These elevations are referenced to the National Geodetic Vertical Datum of 1929 or as determined by the City Engineer. [ORD 4392; June 2006]

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (ORD 3563)**Floodway Fringe.** The area of the floodplain lying outside of the floodway.

Floor Area. The gross area, under roof, of all of the floors of a building, measured from the interior of exterior walls, excluding only space devoted to off-street parking or loading.

Floor Area Ratio. [ORD 4005, January 1998] The amount of gross floor area in relation to the amount of net site area, expressed in square feet.

Foot-candle. [ORD 4332; November 2004] A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of (1) candle.

Freestanding Sign. A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Front Lot Line. For purposes of the solar access regulations, a lot line abutting a street. For corner lots the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to the closest to the street, excluding the pole portion of the flag lot (see Figure 1 - SOL).

Frontage. That portion of a parcel of property which abuts a public street.

Garage. An accessory building or portion of a principal building used for the parking or storage of vehicles.

Garage Sale Sign. A sign advertising garage sales or similar events.

Gas Station Price Signs. A changeable copy sign advertising gasoline price signs.

General Site Plan. A site plan for a geographic area which anticipates the streets, utilities and other infrastructure that will be necessary to serve an area larger than the development being proposed. (ORD 3918)

Glare. [ORD 4332; November 2004] The brightness of a light source, which may cause eye discomfort.

Grade. (Adjacent Ground Elevation). The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

A. **Existing Grade.** The grade prior to grading.

B. **Rough Grade.** The stage at which the grade approximately conforms to the approved plan.

C. **Finish Grade.** The final grade of the site which conforms to the approved plan. (ORD 3587).

Grove. A stand of three or more trees of the same or mixed species. [ORD 4224; August 2002]

Guest House. An accessory building used for the purpose of providing temporary living accommodations, and containing no kitchen facilities.

Habitat Benefit Area (HBA). [ORD 4414; December 2006] An area of land determined to provide a benefit to wildlife. Identification of HBA is accomplished by referencing the *Comprehensive Plan Volume III Habitat Benefit Area Map* that is included in the *Comprehensive Plan of the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*. Habitat resource classification and delineation methodologies are included in the *Comprehensive Plan of the City for Beaverton Volume III: Statewide Planning Goal 5 Resource Inventory Documents*. HBAs are in addition to any areas required for natural resource protection by other jurisdictional regulations.

Habitat Friendly Development Practice (HFDP). [ORD 4414; December 2006] A development technique or activity that reduces detrimental impacts on fish and wildlife habitat resulting from traditional development practices.

Hazardous Tree. [ORD 4348; April 2005] A tree that possesses a structural defect which poses an imminent risk if the tree, or part of the tree, were to fall on someone or something of value (target).

- ◆ Structural Defect. Any structural weakness or deformity of a tree or its parts. A tree with a structural defect can be verified to be hazardous by a certified arborist and confirmed as such by the City Arborist.
- ◆ Target. People, vehicles, structures or property, such as other trees or landscape improvements. A tree may not be a hazard if a ‘target’ is absent within the falling distance of the tree or its parts (e.g., a substandard tree in a non-populated area away from pedestrian pathways may not be considered a hazard).

Height of Sign. The height of a sign measured from the finished ground level, excluding mounds, berms, etc., to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

High Voltage Power Utility Poles. [ORD 4248; April 2003] Utility pole structures for the transmission of high-voltage electricity carrying a minimum of 50,000 kilowatts.

Historic District. A geographic area with a high concentration of historical, architectural, archeological or cultural Landmarks and/or a high concentration of contributing resources.

Historic Tree or Historic Grove. [ORD 4224; August 2002] Tree(s) designated by the City to be of historic significance based on their association with historic figures, properties, or the general growth and development of the City.

Holding Capacity. The volume over the floodway fringe between the land contour grades and the base flood elevation.

Home Occupation. A lawful nonresidential income-producing use or activity conducted in or on the premises of a lot zoned and used for residential purposes by the permanent residents thereof, said nonresidential use or activity being secondary to the use of the dwelling for dwelling purposes. (ORD 3255; June, 1982).

Hospital. An institution which maintains and operates facilities for persons for the delivery of health services on primarily an inpatient basis.

Hotel. A building, or portion thereof, of more than five (5) rooms designed or intended to be used, let or hired out for the purpose of offering to the general public lodging on a day-to-day basis, where the primary entrance is through a lobby or foyer with internal circulation to the rooms; also, that in which there are no provisions for cooking in any individual room or suite. [ORD 4224; August 2002]

Hotel, Extended Stay. [ORD 3958, June 1996] A hotel intended and designed for extended stays by guests and not a highway-oriented, overnight stay facility and which includes in-room cooking facilities.

Impervious Area. [ORD 4414; December 2006] The amount of impervious surface within a defined area.

Imperviousness. [ORD 4414; December 2006] The percentage of all roads, parking lots, rooftops, sidewalks, and other impervious surfaces in a defined area.

Impervious Surface. [ORD 4414; December 2006] A surface that cannot be penetrated by water and thereby prevents infiltration and generates runoff.

Indirect Access. The provision for ingress and egress of vehicles from an abutting property to an adjacent street is shared by two or more properties or is channeled by some means indirectly to the adjacent street.

Infiltration. [ORD 4414; December 2006] The process or rate at which water percolates from the land surface into the ground. Infiltration is also a general category of BMP designed to collect runoff and allow it to flow through the ground for pollutant removal. The Environmental Protection Agency or Oregon Department of Environmental Quality may require additional permitting for infiltration facilities.

Intermodal. [ORD 4295; April 2004] The connection of one type of transportation mode with another.

Intersection. The meeting or crossing of public and/or private streets or accessways at a common space. (ORD 3494)

Invasive. [ORD 4348; April 2005] A type of plant that is not local to an area, but rather originates from another place. Also called "exotic," "non-native," or "alien" species.

Inventory. A census (survey) of historical, architectural, archeological or cultural buildings, structures, objects, districts or sites. Each resource (i.e. building, structure, etc.) shall have a location; a physical description, photograph, and a discussion of the resource's significance.

Kennel. Any premises where five or more dogs, cats, or other small animals are kept for board, propagation, training or sale.

Landmark. Those buildings, structures, objects or sites that are fifty (50) years old or older that are significant or important because of historic, architectural, archeological, or cultural value as shall be designated by the Beaverton City Council. All designated Landmarks shall have a location, a physical description, photograph and a discussion of the landmark's significance. Buildings, structures, objects or sites that are less than 50 years old may be designated if they are exceptional in terms of historic, architectural, archeological or cultural value.

Landscaping. The combination of natural elements such as trees, shrubs, ground covers, vines, and other living organic and inorganic material which are installed for purposes such as creating an attractive and pleasing environment and screening unsightly views. Other improvements that promote an attractive and pleasing environment that may be included as landscaping includes features such as fountains, patios, decks, fences, street furniture and ornamental concrete or stonework areas. [ORD 4224; August 2002]

Landscaping Area(s). [ORD 4224; August 2002] An open area unoccupied except for landscaping. Pathways sufficient to provide access to buildings and utility equipment are permitted within a landscape area.

Landscape Tree. [ORD 4224; August 2002] A tree, other than a Significant Tree, Historic Tree, or Tree within a Significant Natural Resource Area, that has been preserved or planted as a component of an approved landscaping plan.

Lane Group. [ORD 4302; May 2004] A set of lanes established at an intersection approach for separate capacity and level-of-service analysis.

Legislative. [ORD 4224; August 2002] A land use decision that applies to an entire zoning district or a large number of individuals or properties or that establishes or modifies policy or procedure.

Light Rail Transit (LRT) Station Site. [ORD 4005, January 1998] Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail transit station. The Station Site may include station platforms, park and ride lots, bus stops, and other similar facilities.

Limited Access street A Street which allows only indirect access to abutting properties primarily by distributing traffic to intersecting lesser volume streets or some other means as needed to allow for efficient local circulation. (ORD 3494)

Livestock. Domestic animals of types customarily raised or kept on farms.

Local Wetland Inventory. [ORD 4224; August 2002] An inventory of the City's wetland resources adopted pursuant to Statewide Planning Goal 5.

Lot. Any continuous area, tract or parcel of land owned by or under the lawful control and in the lawful possession of one distinct ownership undivided by a dedicated street or alley or another ownership. An abutting "platted lot" or property described by metes and bounds in the same ownership shall be considered a part of such "lot".

Lot Area. The computed area contained within the lot lines, exclusive of street or alley rights-of-way. [ORD 4397; July 2006]**Lot Consolidation.** [ORD 4405; September 2006] The process of reducing the number of lots of record by means of a Lot Line Adjustment or Replat.

Lot, Corner. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Lot, Depth. The perpendicular distance measured from the mid- point of the opposite, usually the rear, lot line.

Lot, Interior. A lot other than a corner lot, with frontage only on one street.

Lot Line. Any property line bounding a lot.

- A. Front Lot Line. For an interior lot, the lot line abutting a street; for a corner lot, a lot line abutting either street, as determined by the Director at the time of initial construction; for flag lots, the line determined by the Director at the time of initial construction which shall then govern the designation of side and rear lot lines. (ORD 3293; November, 1982.)
- B. Rear Lot Line. A lot line which is opposite to and most distant from the front lot line. In the case of a corner lot, the Director shall determine the rear lot line. In the case of an irregular or triangular-shaped lot, a lot line ten feet (10') in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a through lot, each street has a front lot line. [ORD 4071; October 1999]
- C. Side Lot Line. Any lot line which is not a front or rear lot line.

Lot Line Adjustment. The adjustment of a lot line of a lot of record by the relocation of a common boundary where an additional lot is not created and where an existing lot is not reduced below the minimum requirements established by the zoning ordinance. [ORD 4405; September 2006]

Lot of Record. A legally created lot meeting all applicable regulations in effect at the time of creation, and held in separate ownership as shown on the records of the Washington County Department of Records and Elections at the time of the passage of an ordinance or regulations establishing the zoning district in which the lot is located. (ORD 3293; November, 1982.)

Lot, Through. See “Through Lot”.

Lot Width. The perpendicular distance measured between the mid-points of the two principal opposite side lot lines and at approximately right angles to the lot depth.

Low Impact Development (LID). [ORD 4414; December 2006] A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. LID tools are designed to reduce environmental impacts of development, such as increased storm water runoff due to impervious areas, poor water quality and inconsistent water quantity in streams and rivers. LID techniques control storm water runoff volume and reduce pollutant loadings to receiving waters. Not all sites are suitable for LID. Considerations such as soil permeability, depth of water table and slope shall be considered, in addition to other factors. LID techniques may not completely replace the need for conventional stormwater controls.

Luminaire. [ORD 4332; November 2004] A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Maintain. To cause or allow to continue in existence; when the context indicates, maintain shall mean to preserve and care for a structure, improvement, conditions or area so that it remains attractive, safe and presentable and carries out the purposes for which it was installed, constructed or required.

Maintenance. [ORD 4332; November 2004] The definition of this term, as it applies to the Transportation Facilities application, is located in the *Engineering Design Manual and Standard Drawings*.

Major. [ORD 3965, October 1996] Facilities or developments which, considering the size of the urban area and the range of size, capacity or service level of similar facilities or developments in the area, are either larger than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the neighborhood.

“Major” as it modifies industrial, institution and retail development means such developments which are larger than average, serve more than neighborhood needs or which have traffic impacts on more than the neighborhood.

Major Pedestrian Route. [ORD 4005, January 1998] Any pedestrian way in a public right-of-way or easement leading to a light rail station or transit stop, that is presently used or is likely to be used by pedestrians to access public transportation service including light rail or transit stations.**Major Public Facility Sign.** See “District, Neighborhood or Major Public Facility Sign.”

Major transit stop [ORD 3965, October 1996] is defined as any of the following:

- A. Existing or planned light rail stations, park and ride lots, and transit transfer stations, except for temporary facilities, identified in an acknowledged transportation system plan;
- B. Existing stops designated as major transit stops in an acknowledged transportation system plan which:
 - 1. Have 20 minute service during the weekday commute peak hour; and
 - 2. Are located within 1/4 mile of an area planned and zoned for:
 - a. R-1, R-2, R-3.5, or other residentially zoned areas that are developed at comparable densities, or
 - b. NS, GC, CS, CV, OC, RC-TO, RC-OT, RC-E, TC-MU, TC-HDR, TC-MDR, SC-MU, SC-HDR, SA-MU, or SA-MDR.
- C. Other planned stops designated as major transit stops in an acknowledged transportation system plan which:
 - 1. Have 20 minute service during the weekday commute peak hour; and
 - 2. Are located within 1/4 mile of an area planned and zoned for:
 - a. R-1, R-2, R-3.5, or other residentially zoned areas that are developed at comparable densities, or
 - b. NS, GC, CS, CV, OC, RC-TO, RC-OT, RC-E, TC-MU, TC-HDR, TC-MDR, SC-MU, SC-HDR, SA-MU, or SA-MDR.

[ORD 4075; November 1999]

Manufacturing. [ORD 4058, August 1999] The assembly, fabrication, processing, and/or packing and storage of products for wholesale distribution or other similar uses.

Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction. (ORD 3846)

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain regulation purposes the term "manufactured home" also includes recreational vehicles, park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days if permitted to be placed on a permanent foundation, permanently connected to utilities, or anchored to the land. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (ORD 3563) [ORD 4392; June 2006]

Master Plan. A plan for a defined geographic area in single or multiple ownership that is consistent with the Comprehensive Plan and includes a land use and circulation plan, development standards, design guidelines, an open space plan, utilities plans and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the land use review processes of this Code pursuant to Sections 40.15 and 40.20 as applicable. (ORD 3918)

Maximum permitted illumination. [ORD 4332; November 2004] The maximum illumination measured in foot-candles at the property line or, if required, at the interior buffering line at ground level.

Mayor. The Mayor of the City of Beaverton or his designate.

Membership Organizations. An association of persons for the promotion of some lawful non-profit common objective, such as literature, science, politics, good fellowship or community service, which meets periodically and is limited to members.

Metro. [ORD 4302; May 2004] The regional government and designated metropolitan planning organization for the Portland metropolitan area.

Metropolitan Planning Organization (MPO). [ORD 3965, October 1996] An organization located within the state of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state.

Minimum Permitted Illumination. [ORD 4332; November 2004] The minimum permitted illumination measured in foot-candles within the interior of a site to provide adequate illumination for public safety purposes.

Mitigation, Natural Resources. [ORD 4414; December 2006] The reduction of adverse effects of a proposed project by considering, in the order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute.

Mitigation Tree. [ORD 4348; April 2005] A tree planted in an effort to alleviate the impact of the removal of another tree(s). A mitigation tree takes on the designation of the tree(s) removed (i.e. tree(s) planted to mitigate for a tree(s) removed from a grove or SNRA becomes a tree(s) protected as if it were part of a grove or SNRA).

Mobile Home. A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. (ORD 3846)

Mobile Home Park. Any lot which is utilized for the occupancy of more than two mobile homes.

Mobile Home Park means any place where two or more mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land not less than one acre under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person.

Mobile Home Subdivisions. Developments where mobile homes are placed on individually owned lots approved under the City of Beaverton's subdivision regulations.

Motel. [ORD 4224; August 2002] A transient occupancy use with external pedestrian access to rental rooms and with vehicular access to rooms.

Motor Vehicle Dealers, New. A person or establishment engaged in the sale or lease of new motor vehicles. A motor vehicle dealer or dealership is also permitted to conduct such activities as painting, bodywork, mechanical work, overhaul and repair, parts supply, used motor vehicle sales, as well as other related services, providing the predominate activity or use is motor vehicle sales and/or leasing. (ORD 3136; October 1979)

Multi-Face Sign. See “Faces.”

Multiple Use Development. [ORD 4005, January 1998] A building or groups of buildings under one ownership designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, light industrial, and other miscellaneous uses.

Name Plate. A sign identifying the name, street address, occupation and/or profession of the occupant of the premises.

Native Understory. [ORD 4348; April 2005] Foliage layer located between the floor and the canopy of a forest, wood, or grove containing plant materials that have origins in the Tualatin Valley Region of the state of Oregon. Limited to plant species identified on Metro’s Native Plant List or in Clean Water Services’ Design and Construction Standards.

Native Vegetation. [ORD 4348; April 2005] Plant materials that have origins the Tualatin Valley Region of the state of Oregon, as listed on Metro’s Native Plant List or in Clean Water Services’ Design and Construction Standards.

Natural areas. [ORD 4332; November 2004] Natural areas may include, but are not limited to, wetlands, riparian areas, Significant Natural Resource Areas, and significant groves of trees.

Natural Landscaping. [ORD 4414; December 2006] The act of landscaping using plant materials that include groundcover and shrubs to cover bare earth and prevent erosion. Native plants, native-friendly plants and naturalized plants are recommended because they are adapted to the local environment and require little water and few chemicals to survive.

Neighborhood Association Committee (NAC). [ORD 4224; August 2002] A group of people who are residents, property owners, business owners, or representatives of a non-profit entity, such as a church, that are organized within the recognized boundary of a City of Beaverton established neighborhood area for the purpose of discussing a broad range of issues affecting the neighborhood and the community.

Neighborhood Sign. See “District, Neighborhood or Major Public Facility Sign.

Non-Commercial Banners or Flags Installed In or Over the Public Right of Way. Graphic devices designed to enhance the aesthetic appearance of a street or area and containing no advertising copy.

Non-Commercial Flags. Graphic devices designed to enhance the aesthetic appearance of a street or area and containing no advertising copy.

Non-Commercial Sign. Any notice, pictorial or otherwise, except those used for the purpose of making things known about goods, services or activities offered by "for profit" entities.

Non-Exempt Tree or Vegetation. Vegetation that is not exempt. Refer to definition of “Exempt Tree or Vegetation”. [ORD 4224; August 2002]

Non-Exempt Surveyed Tree. [ORD 4348; April 2005] Trees that fit within the definition of Surveyed Tree, with the exception of Nuisance Trees.

Non-Native. [ORD 4348; April 2005] A type of plant that is not local to an area, but rather originates from another place.

Non-Pole-Mounted Luminaires. [ORD 4332; November 2004] Non-pole mounted Luminaires consists of Luminaires vertically or horizontally attached to building or structural wall elevations, soffit Luminaires, recessed Luminaires, access Luminaires, and ground-mounted Luminaires.

Non-Profit Organization. [ORD 4224; August 2002] An organization which is a non-profit organization registered with the State of Oregon pursuant to Chapter 65 of the Oregon Revised Statutes.

Northern Lot Line. The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, then the northern lot line shall be a line 10' in length within the lot parallel with and at a maximum distance from the front lot line (see Figure 2 - SOL).

North-South Dimension. The length of a line beginning at the mid-point of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3 - SOL).

Nuisance Vegetation. [ORD 4348; April 2005] Plant species that invade natural areas eventually resulting in their domination of native plant species. Includes those nuisance and prohibited species listed on Metro's Native Plant List or in Clean Water Services' Design and Construction Standards. Also see invasive and non-native.

Nursery, Day or Child Care Facility. A facility providing care for compensation for seven or more children during a 24-hour period. This includes: day nursery, nursery school group, or other similar unit operating under any name but not including any:

- a. Facility providing care that is primarily educational, unless provided to a preschool child for more than four hours a day;
- b. Facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music, or religion;
- c. Facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group;
- d. Facility operated by a school district, political subdivision of this State or a governmental agency;
- e. Residential facility licensed under ORS 443.400 to 443.455 ;
- f. Babysitters.
- g. Family Day Care or Group Home, which provides day care in the family living quarters of the provider, for not more than 12 children, including the provider's children. For this purpose only, a "child" shall mean a person under the age of 13 years. (ORD 3613; 1988)

Obstructing Sign. A sign or sign structure so that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, standpipe or the exterior of any window. Also, any sign projecting more than twelve (12) inches from an exterior wall, except projecting signs. [ORD 4139; January 2001]

One-Third Octave Band Sound Pressure Level. Deleted [ORD 4397; July 2006]

Open Access street. A Street which allows direct access to each abutting property. (ORD 3494)

Open Space, Active. [ORD 4332; November 2004] Open space where human activities include recreational and social opportunities such as play fields, playgrounds, swimming pools, plazas and other recreational facilities.

Open Space, Passive. [ORD 4332; November 2004] Open space where human activities are limited to defined walking and seating areas. Does not include environmentally sensitive areas such as a wetland.

Oregon Department of Aviation. [ORD 4248; April 2003] State agency that is responsible for developing aviation as an integral part of Oregon's transportation network; creating and implementing strategies to protect and improve Oregon's aviation system; encouraging aviation-related economic development; supporting aviation safety and education; and increasing commercial air service and general aviation in Oregon.

Oversized Lot. [ORD 4224; August 2002] A lot which is greater than twice the required minimum lot size allowed by the subject zoning district.

Owner. The owner of record of real property as shown in the records of Washington County Department of Records and Elections, or a person purchasing a piece of property under contract, or a public body or public agency with authority to exercise the power of eminent domain which has formally enacted a resolution of its intent to acquire the property described in the application. [ORD 3995, November 1997]

Parapet. [ORD 4139; January 2001] That portion of an exterior wall which extends above a roof.

Parent Parcel. [ORD 4224; August 2002] The parcel of land that is proposed to be the subject of a development proposal.

Park and Ride. [ORD 4224; August 2002] A parking facility near a transit station or stop for the purpose of parking motor vehicles by transit riders.

Parking, As the Principal Use. [ORD 4058, August 1999] A facility providing for the temporary parking of automobiles and transportation vehicles which arrive and depart daily and remain for a short term.

Parking, Excess. [ORD 4224; August 2002] Required off street parking which has been demonstrated as being unused by an existing land use.

Parking, Long-term. [Ord.4079; November 1999] Vehicle spaces designated for residents, employees, or customers for a parking duration of at least four (4) hours at a time, except in a floodplain where Clean Water Services parking definitions and standards apply. [ORD 4302; May 2004]

Parking, Public. A structure or an open area other than a street, alley or other right-of-way used for the temporary parking of automobiles and available for public use whether free, for compensation or an accommodation for clients or customers.

Parking, Short-term. [Ord.4079; November 1999] Vehicle spaces designated for use of less than four (4) hours of time, except in a floodplain where Clean Water Services parking definition and standards apply. [ORD 4302; May 2004]

Parking Structure. [ORD 4224; August 2002] A covered structure or portion of a covered structure that provides two or more levels of parking for motor vehicles.

Parking, Tuck-Under. [ORD 4414; December 2006] Tuck under parking is unenclosed parking located below the unit where parking is accessed from an open parking drive, at grade or below.

Partition. Either an act of partitioning land or an area or tract of land partitioned as defined in Chapter 90.

Partition land. To divide an area or tract of land into two or three lots within a calendar year when such an area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. Partitioned land does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; and partition land does not include any adjustment of a lot line. Partition land does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

Passenger Rail Track. [ORD 4295; April 2004] A permanent course for passenger rail cars, including commuter rail.

Peak Hour. [ORD 4302; May 2004] The maximum-volume hour of the day.

Pedestrian Connection. A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, shared-use paths, accessways, ramps, stairways and pedestrian bridges. [ORD 4302; May 2004]

Pedestrian District. [ORD 3965, October 1996] A comprehensive plan designation or implementing land use regulations, such as an overlay zone, that establish requirements to provide a safe and convenient pedestrian environment in an area planned for a mix of uses likely to support a relatively high level of pedestrian activity. Such areas include but are not limited to:

- a. Lands planned for a mix of commercial or institution uses near lands planned for medium to high density residential use; or,
- b. Areas with a concentration of employment and retail activity, and which have or could develop a network of streets and accessways which provide convenient pedestrian circulation.

Pedestrian Plaza. [ORD 3965, October 1996] A small, semi-enclosed area adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit or stand. They are paved with concrete, pavers, bricks or similar material and include seating, pedestrian scale lighting and similar pedestrian improvements. Low walls or planters and landscaping can be provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas connect directly to adjacent sidewalks, walkways, transit stops or buildings. A plaza 250 square feet or less is considered "small."

Pedestrian Scale. [ORD 3965, October 1996] Site and building design elements that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering. Examples include ornamental lighting no higher than twelve feet; bricks, pavers or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signage and signpost details designed for viewing from a short distance.

Pedestrianway. Means any sidewalk, accessway, or walkway that is intended and suitable for pedestrian use. [ORD 4302; May 2004]

Pedestrian ways. [ORD 4005, January 1998] Any paved public or private route intended for pedestrian use, including a bicycle/pedestrian path and/or esplanade, regardless of use by other transportation modes.

Permanent Architectural Features. [ORD 4332; November 2004] Permanent architectural features include, but are not limited to windows, bays and offsetting walls that extend at least eighteen inches (18"), recessed entrances, loading doors and bays, and changes in material types.

Permit Approval. A permit issued by the HRCC that must be obtained prior to commencing any alteration to a designated landmark.

Permittee. The person who is proposing to use or who is using the land pursuant to any permit required herein.

Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, whether he, she or it is acting for himself, herself or itself or as the servant, employee, agent or representative of another.

Person of Record. [ORD 4224; August 2002] A person who makes an appearance before the decision making authority in a proceeding through the submission of either written or verbal testimony.

Planned Unit Development. [ORD 4224; August 2002] A development on land under unified control according to a single development plan for uses and structures related to the character of the zoning district with a program for operation and maintenance of common areas.

Planning Commission. The Planning Commission of the City or any subcommittee thereof.

Plat. Includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Plaza. [ORD 4005, January 1998] A continuous open space which is readily accessible to the public at all times, predominately open above and designed specifically for use by people as opposed to serving as a setting for a building.

Pole-Mounted Luminaires. [ORD 4332; November 2004] Luminaires that are attached to a vertical pole to provide illumination in non-vehicular and vehicular circulation areas.

Portable Sign. A sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place. These signs primarily include, but are not limited to A-frame signs, signs attached to wood or metal frames designed to be self-supporting and movable including trailer reader boards, paper, cardboard or canvas signs wrapped around supporting poles.

Preservation. The identification, study, protection, restoration, rehabilitation, or enhancement of designated Landmarks.

Preservation District. A geographic area with a lesser concentration of historical or architectural significant landmarks or a concentration of contributing resources.

Preservation Resource Center. Research repository for historic resource inventory documents and related historic materials.

Primary Entrance. [ORD 4332; November 2004] A building entry where a majority of building users, including employees, customers and visitors, enter the structure. A primary entry is typically differentiated from other entries by weather protection, directional signage, special features such as lobbies, reception areas, and other semi-public interior spaces designed to receive building users.

Primary Zone. The zone designation of property upon which the floodplain district is overlaid.

Private Real Estate Transactions. A sign placed by persons not employing a real estate broker, agent, or salesperson to sell or rent structures or real property.

Projecting Sign. A sign which projects twelve inches (12") beyond an exterior wall. [ORD 4139; January 2001]

Protected Solar Building Line. A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or non-exempt trees (see Figure 10 - SOL).

Protected Tree. [ORD 4348; April 2005] Includes Significant Individual Trees, Historic Trees, Trees within a Significant Natural Resource Area or Significant Grove, and Mitigation Trees.

Pruning, Minor. [ORD 4224; August 2002] Removal of less than 10% of a tree's canopy or disturbance of less than 10% a tree's root system. [ORD 4348; April 2005]

Pruning, Major. [ORD 4224; August 2002] Removal of greater than 10% of the tree's canopy or disturbance of over 10% of the root system. [ORD 4348; April 2005]

Public Safety and Convenience. A sign used to serve the public safety or convenience, such as "entrance", "parking", "no smoking", "turn off motor" signs.

Public View. [ORD 4332; November 2004] As it is applied to Design Review issues, this term is a viewpoint from a public area such as a sidewalk, right of way, public plaza, etc. measured from the closest point to the subject of the view, five (5) feet above the grade of the viewpoint. A subject is not visible from a viewpoint unless there is a direct, unobstructed line of sight between the viewpoint and subject.

Qualified Professional. [ORD 4224; August 2002] As the term applies to trees, a professional with academic and field experience that demonstrates expertise in urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters certified by the Society of American Foresters, a registered landscape architect, or silvaculturalist. A qualified professional must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures for preservation of trees during land development.

Quasi-Judicial. [ORD 4224; August 2002] An action which involves the application of adopted policy to a specific development application, or a land use decision that applies to a small number of individuals or properties.

Rain Garden. [ORD 4414; December 2006] Highly vegetated areas that are designed to detain or retain stormwater runoff while providing pollutant removal by the chemical, biological, and physical interaction of plants, microbes, and soils with water.

Real Estate Sign. A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space, except in “Private Real Estate Transactions”.

Reasonably Available. [ORD 4348; April 2005] As applied to mitigation tree planting, a plant species shall be considered reasonably available if the plant is found to be available for purchase at up to three separate retail or wholesale nurseries, known to stock native plants, of separate ownership within Washington, Multnomah, or Clackamas counties or a combination thereof. A plant species shall be considered to be reasonably unavailable if the species cannot be readily found at three (3) separate retail or wholesale nurseries, known to stock native plants, of separate ownership within Washington, Multnomah, or Clackamas counties or a combination thereof.

Reasonably Direct. [ORD 3965, October 1996] A route that does not involve a significant amount of out-of-direction travel for intended users. Out of direction travel is significant if it is more than 50 percent longer than the straight line between two points.

Recreation Vehicle. A boat, camper, motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and vacation uses. If identified in some manner as a recreation vehicle by the manufacturer or registered as such with the State, it is prima facie a recreation vehicle. For floodplain regulation purposes, such vehicles shall be fully licensed and ready for highway use on wheels or jacking system and attached to the land only by quick disconnect type utilities and security devices and have no permanently attached additions. [ORD 4392; June 2006]

Recreational Facilities. [ORD 4075; November 1999] Facilities that are intended to provide amusement to the user, with limited allowance made for up to 50 spectators. This use includes, but is not limited to: country clubs, golf courses, non-motorized bicycle tracks, skateboard paths, swimming clubs or pools, handball or racquet clubs, tennis or other racquet clubs, bowling alleys, dance halls and skating rinks, indoor soccer fields, or other similar uses.

Redevelopment Potential. [ORD 4302; May 2004] Redevelopment potential exists when assessed building value per square foot is less than 50 percent of the mean value per square foot of surrounding buildings on lots within a 500 foot distance as measured from any point of the property line.

Repair and Replacement. [ORD 4332; November 2004] The definition of both of these terms, as it applies to the Transportation Facilities application, is located in the *Engineering Design Manual and Standard Drawings*.

Replacement Wireless Communication Facility Tower. [ORD 4248; April 2003] A wireless communication facility tower capable of supporting collocated antennas that is intended to replace an existing tower that is not capable of supporting collocated antennas. A replacement wireless communication facility tower has the same foundation square footage, same height, and same site improvements as the existing tower.

Replat. [ORD 4405; September 2006] The act of platting the lots, parcels, tracts, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

Reserve Strip. [ORD 4224; August 2002] A strip of land located between a subdivision and other property and not dedicated to public use, but conveyed to the City for the purpose of giving the City control over development of adjacent property.

Residential Care Facilities. [ORD 4036; March 1999] A living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to Assisted Living Facilities, Congregate Care Facilities, Nursing Homes, Convalescent Homes and Sanatoriums.

Residential Local Street is a street that is intended to provide direct access to abutting residential properties and discourage through traffic movements not related to the neighborhood in which the local street is located

Residential Neighborhood Route. [ORD 4061; September 1999] A residential neighborhood route is a street that is usually long relative to local streets and provides connectivity to collectors or arterials. Neighborhood routes generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide/large area circulation.

Residential Street is a public way, lane, cul-de-sac, local street or neighborhood route serving primarily access functions, directly or indirectly, to one or more parcels that are predominantly residential in character or zoned for residential uses. [ORD 4061; September 1999]

Restaurant. An establishment where meals are prepared and served to the public for consumption on the premises entirely.

Restaurant, Takeout. An establishment where some or all of the meals or food are prepared for customers to take off the premises.

Retail Store. A place of sale to the ultimate consumer for direct consumption and not for resale.

Rooftop Garden. [ORD 4414; December 2006] A vegetated roof constructed for water quality and quantity control as well as passive recreation or active recreation or both.

Roof Sign. A prohibited sign that is erected, maintained and displayed above the top of an exterior wall. [ORD 4139; January 2001]

Root Zone. Area of the ground around the base of the tree measured from the trunk to 5 feet beyond the outer base of the branching system.

Rotating or Revolving Sign. A sign all or a portion of which moves in some manner.

Salvage Yard. A place out-of-doors where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including vehicle wrecking yards, building wrecking yards, used lumber yards and places of storage of salvaged building; wrecking and structural steel materials and equipment, but not including rummage, yard or garage sales of no more than four (4) days duration. Three or more dismantled or inoperable vehicles on one lot shall constitute a salvage yard.

Satellite Antenna. [ORD 4248; April 2003] The beaming or receiving of data from satellites, inclusive of satellite dishes, and microwave dishes.

Scoreboard Sign. [ORD 4389; April 2006] A sign located on a scoreboard that is accessory to an athletic field used to record or tally scores at athletic or sporting events.

Search Ring. [ORD 4248; April 2003] A geographic area identified by the communications service provider within which a wireless telecommunication facility must be located to provide coverage within a cell of its delivery system.

Secondary Entrance. [ORD 4332; November 2004] A building entry designed for limited use by building users, such as employee-only access. A secondary entry is typically not used by the public or building visitors.

Self Storage Facilities. [ORD 4354; June 2005] A business that provides individual storage spaces for customers to store personal or business goods. This term is often used synonymously with “mini-storage” an “mini-warehouse”.

Service Provider. [ORD 4224; August 2002] A local, regional, state, or federal agency, or a public or private utility company that provides a service to development within the community.

Service Provider. [ORD 4248; April 2003] A person or company in the business of designing, installing, marketing and servicing of wireless communication services including cellular telephone, personal communication services (PCS), enhanced/specialized mobile telephone services, and commercial paging services.

Service Station. An establishment selling fuel and oil for vehicles; selling, servicing and installing tires, batteries, accessories and related products; furnishing minor repair and service when conducted entirely within an enclosed building, and at which incidental services are conducted. "Minor repair and service", as used in this definition, shall be understood to exclude activities such as painting, bodywork, steam cleaning, tire recapping, major engine or transmission overhaul or repair involving removal of a cylinder head or crankcase, and mechanical car washing.

Setback. The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point of line of reference will be the lot line following any required dedication, or a special or reservation line if one is required pursuant to this ordinance.

Shade. A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

Shade Point. The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of the ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal) the shade point will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5 - SOL).

Shade Reduction Line. A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6 - SOL).

Shadow Pattern. A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 12 - SOL).

Shared Roadway. [ORD 4061; September 1999] Means a street which is recommended for bicycle use but does not have a specific area designated within the right-of-way.

Shared-Use Path. [ORD 4302; May 2004] Means an off-street path that can be used and shared by several transportation modes, including bicycles, pedestrians, and other non-motorized modes. Shared-use paths accommodate two-way travel.

Shopping Center. [ORD 4071; October 1999] A grouping of retail and service uses on a single site with common parking facilities.

Sidewalk. [ORD 4061; September 1999] Sidewalks are located along streets, within the right-of-way or easement, separated by a curb, planter, or both from the street and designated for preferential use by pedestrians.

Sign. Any lettered or pictorial device designed to inform or attract attention.

Significant Grove. [ORD 4348; April 2005] Groves that are mapped on the City's Inventory of Significant Trees and Groves, that have a unique identification code and include all species within the grove boundary as listed in the inventory documents for that grove code.

Significant Natural Resource Area (SNRA). [ORD 4224; August 2002] Resources identified in Volume III of the Comprehensive Plan as "significant" pursuant to Statewide Planning Goal 5.

Significant Tree. [ORD 4348; April 2005] A tree or grouping of trees that is mapped on the City's Inventory of Significant Trees and Groves, which has a unique identification code as listed in the inventory documents for that individual tree code.

Significant Tree and Grove Inventory Analysis. [ORD 4224; August 2002] The inventory of significant trees and groves conducted under the direction of the Beaverton Board of Design Review in 1991. The criteria on which listed trees and groves were determined to be significant are as follows:

1. An individual tree shall be considered significant if the Board finds:
 - (a) The tree has a distinctive size, shape, or location which warrants a significant status; or
 - (b) The tree possesses exceptional beauty which warrants a significant status; or
 - (c) The tree is significant due to a functional or aesthetic relationship to a natural resource.
2. A grove as defined in Section 90 shall be considered significant if the Board finds that:
 - (a) The grove is relatively mature and evenly aged; and
 - (b) The grove has a purity of species composition or is of a rare or unusual nature; and
 - (c) The grove is in a healthy growing condition; or
 - (d) The grove has a crucial functional and/or aesthetic relationship to a natural resource.

Sight Clearance Area. [ORD 4302; May 2003] A triangular shaped area in the vicinity of an intersection that must be kept clear of visual obstructions in order to maintain safe operation of the intersection. Sight clearance area standards are identified in the Transportation Facilities section of this code.

Signal Progression. [ORD 4302; May 2003] Signal progression is achieved when a group of traffic signals are programmed so that they permit the continuous flow of vehicles at a set speed in a certain direction. Good signal progression reduces stops, delay, fuel consumption, and emissions.

Single Face Sign. See “Faces.”

Site. That parcel of real property in common ownership, notwithstanding that the particular application may be for development of a portion of the site only. Conveyance of less than fee title to different persons, such as by ground lease, shall not operate to prevent the requiring of Master Site Plan review and action by the Board of Design Review on the complete parcel.

Site Plan. A plan, prepared to scale, showing accurately and with complete dimensions all the uses proposed for a parcel of land, and other information as required by specific sections of this ordinance.

Site Soil Amendment. [ORD 4414; December 2006] A soil amendment is any material added to a soil that improves its physical properties, such as water retention, permeability, water infiltration, drainage, aeration and structure. To do its work, an amendment must be thoroughly mixed into the soil. Amending a soil is not the same thing as mulching, although many mulches also are used as amendments, a mulch is left on the soil surface. The mix of amendments added to site soils varies depending on the composition of the site soils; please refer to the *Guidance Manual* for further information.

Solar Access Height Limit. A series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit. (See Figure 11 - SOL)

Solar Access Permit. A document issued by the City that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a Solar Access Permit applies.

Solar Feature. A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this ordinance.

Solar Gain Line. A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot (see Figure 7 - SOL).

Solar Friendly Tree. A tree which the Director has determined does not cause significant winter shade due to foliar period and branch structure. The Director shall maintain a list of generally recognized solar friendly trees.

South or south facing: True south, or 20 degrees east of magnetic south.

Special Event. [ORD 4224; August 2002] An activity sponsored by a non-profit organization or public agency lasting 14 consecutive calendar days or less and includes but is not limited to such activities as school carnivals, spaghetti dinners, concerts, bazaars, and neighborhood fairs.

Special Event Sign. A sign advertising or pertaining to any special event as defined by this Code taking place within the City. [ORD 4224; August 2002]

Square Footage. [ORD 4079; November 1999] In all instances in the Development Code where the text reads “square feet” or “square footage”, the term shall be mean “gross square feet” or “gross square footage” except in those instances where the Development Code text specifically reads “net square feet” or “net square footage”. In those instances, “net square feet” or “net square footage” shall apply.

Stable. A building in which livestock is sheltered and fed.

Stealth Design. ORD 4248; April 2003] The design of wireless communications facilities in a manner that camouflages, or conceals, or disguises the facilities as described below:

1. **Camouflage.** The use of shape, color, and texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall or roof. “Camouflage” does not mean invisible, but rather appearing as part of or exactly like the structure used as a mount.
2. **Concealment.** Fully hidden from view. For example, a Wireless Communication Facility (WCF) is concealed when it is completely hidden or contained within a structure, such as a building, wall, or roof.
3. **Disguised.** A Wireless Communication Facility (WCF) that has been changed to appear to be something other than what it really is. For example, WCFs are sometimes disguised to appear as trees or flagpoles.

Storage Yard. Any lot, or portion of a lot, which is used for the sole purpose of the outdoor storage of fully operable vehicles, construction equipment, construction materials or other tangible materials and equipment.

Story. That portion of a building between any floor and the next floor above, except that the topmost story shall be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement, cellar, or unused under floor space is more than six feet above grade at any point, such basement, cellar, or unused under floor space shall be considered a story.

Street. A public way which affords the principal means of access to abutting property.

Street Plug. [ORD 4224; August 2002] See “Reserve Strip”.

Street Tree. [ORD 3989, July 1997] Any tree located within the public or private right of way or easement for vehicular access, or associated public utility easements.

Structure. Anything which is constructed, erected or built and located on or under the ground, or attached to something fixed to the ground.

Structure. A walled and roofed building including a gas or liquid storage tank that is principally above ground. (ORD 3563)

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision. An act of subdividing land, or an area, or a tract of land subdivided as defined in “Subdivide Land.”

Substantial Construction. Providing there are buildings on the site, the completion of construction of footings for the building where the principal use will take place shall constitute substantial construction.

Sunchart. One or more photographs that plot the position of the sun between 10:30 am and 1:30 pm on January 21, prepared pursuant to guidelines issued by the Director. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for 45 degree and 30 minute northern latitude in 10 degree increments and solar azimuth from true south in 15 degree increments.

Surplus Parking – [ORD 4389; July 2006] Off-street parking that is greater in number than the maximum required off-street parking.

Surveyed Tree. [ORD 4348; April 2005] Trees on a proposed development site that are required to be identified in a Tree Plan application. Trees required to be surveyed include all trees greater than or equal to ten (10) inches DBH (including nuisance trees) and the following trees greater than or equal to six (6) inches DBH: western hemlock (*Tsuga heterophylla*) or mountain hemlock (*Tsuga mertensiana*) trees, Pacific madrone (*Arbutus andrachne*) trees, and big-leaf maple (*Acer macrophyllum*) trees.

Telecommunication Reform Act of 1996. [ORD 4248; April 2003] Federal act passed by the United States Congress in 1996. Section 704 of the Act specifies the following for state and local government regulation of wireless telecommunication facilities:

1. The regulation of the placement, construction and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate amongst providers of functionally equivalent services.
2. The regulation of the placement, construction and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not prohibit or have the effect of prohibiting the provision of personal wireless services; and,

3. A State or local government or instrumentality thereof shall act on any request for authorization to place, construct or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.
4. Any decision by a State or local government or instrumentality thereof to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

Temporary Living Quarters. [ORD 3975, February 1997] Temporary living accommodations, such as: Hotels, Motels, Extended-Stay Hotels, Single-Residency Occupancy Hotels, Bed and Breakfasts, or Boarding, Rooming or Lodging House.

Temporary Real Estate Office. [ORD 4224; August 2002] A permanent structure that is used as an office for the purpose of selling real estate on a temporary basis. This definition does not include model homes, unless a sales office is located within the model home.

Temporary Structure. [ORD 4224; August 2002] A structure such as a trailer or steel container storage unit without any foundation or footings which is attached to the ground or other structure in a non-permanent fashion. Temporary structures shall be removed from the site when the designated time period, activity, or use for which the temporary structure was established has ceased. For the purposes of this Code, temporary structures shall not be classified by definition as accessory structures.

Temporary Use. [ORD 4224; August 2002] A short-term, seasonal, or intermittent use.

Temporary Use Sign. Signs for Temporary Uses as allowed by Section 40.80.

Through Lot. A lot other than a corner lot with frontage on more than one street. In the case of a through lot, each street has a front lot line.

Time and Temperature Sign. A freestanding or wall sign providing the time and temperature.

“Top-Hat” Antenna Array. [ORD 4248; April 2003] A horizontal platform or enclosed framework of metal pipes attached to a wireless communication facility tower, or other building or structure, that is usually triangular in shape on which antennas are mounted. This type of antenna array is used to facilitate an omnidirectional or 360-degree signal receipt. May also be referred to as a “Crows Nest”.

Total Impervious Area (TIA). [ORD 4414; December 2006] Total area of surfaces on a developed site that inhibit infiltration of stormwater. The surfaces include, but are not limited to, conventional asphalt or concrete roads, driveways, parking lots, sidewalks or alleys, and rooftops.

Total Traffic. [ORD 4103; April 2000] For purposes of fulfilling Section 60.55.10. Traffic Impact Analysis requirements, “total traffic” is defined as the sum of existing traffic, Added Traffic, and site-generated traffic at build out of the proposed development.

Tract. [ORD 4224; August 2002] A non-buildable unit of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate county recorder. This includes a lot, a lot of record, or a piece of land created through other methods.

Traffic. [ORD 4103; April 2000] For purposes of fulfilling Section 60. 55.10. Traffic Impact Analysis requirements, “traffic” is broadly defined as circulation of people and goods by all surface transportation modes--automobiles, transit, trucks, pedestrians, and bicycles--in the vicinity of the proposed development project.

Traffic Calming. [ORD 4061; September 1999] The installation of speed humps, traffic circles or similar devices intended to discourage speeding or to discourage through traffic.

Traffic Impact Analysis. An analytical and informational document professionally prepared by a licensed professional Traffic Engineer or Civil Engineer in connection with a specific proposed land use application that forecasts the impacts of the proposed land use on the transportation system and suggests ways of off-setting the traffic impacts of the proposed new activities within a geographic area. A Traffic Impact Analysis is intended as a means to furnish evidence and discussion for the decision-making authority to adequately evaluate the decisional criteria. [ORD 4302; May 2004]

Traffic Management Plan. [ORD 4302; May 2004] A Traffic Management Plan is an analytical and informational document in connection with a specific proposed land use application that describes the impacts of added trips on residential streets and suggests ways of offsetting the impacts. A Traffic Management Plan is intended as a means to furnish evidence and discussion for the decision-making authority to adequately evaluate the decisional criteria.

Transit Centers. [ORD 4058, August 1999] A station with shelters that provides a community transit focus and a location for intermodal transfers. Passenger amenities may include snack bars, drinking fountains, and transit information boards.

Transit Supportive Uses. [ORD 4005, January 1998] Uses which reinforce the transit system and support ridership growth and, by their nature and location, promote pedestrian traffic to and from the use and transit facilities.

Transportation Demand Management. [ORD 3965, October 1996] Actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the alternative transportation modes, ridesharing and vanpool programs, and trip reduction regulations.

Transportation Facilities. [ORD 4224; August 2002] Any physical facility that moves or assists in the movement of people or goods, which may include accessways, bicycle facilities, shared-use paths, pedestrian connections, or streets. This term does not include electricity, sewage, or water delivery systems. [ORD 4302; May 2004]

Transportation System Management. [ORD 3965, October 1996] Techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal improvements, traffic control devices, medians, reduced parking, channelization, access management and ramp metering.

Tree Box Filter. [ORD 4414; December 2006] Tree box filters are essentially 'boxed' bio-retention cells that are placed at the curb (typically where storm drain inlets are positioned). They receive the first flush of runoff along the curb and the storm water is filtered through layers of vegetation and soil before it enters a catch basin.

Tree Canopy. [ORD 4414; December 2006] The shape of a tree produced by the outer most leaves. A tree's canopy cover is equal to the area within the drip line. The equation for determining tree canopy area is $3.1416 \times (r)^2 = x$ square feet (**r** being the radius from the center of the trunk to the drip line measured in feet). **EXAMPLE:** The tree canopy area for one tree with a radius of **20** feet will be equal to $3.1416 \times (20)^2 = 1,257$ square feet.

Tree Canopy, Mature. [ORD 4414; December 2006] The expected size of the tree canopy at 10 years.

Undevelopable area. An area that cannot be used practicably for a habitable structure, because of natural conditions, such as slopes exceeding 20% in a direction greater than 45 degrees east and west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or manmade conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Urban Services. The term includes the following services and facilities: a public sanitary and storm sewer system, a public water supply, a street system, police and fire protection, public schools, public parks and library service.

Use, Principal. The main or primary purpose of which land or a structure is designed, arranged or intended or for which it is occupied or maintained.

Utility. For the purposes of this code, a utility includes but is not limited to a local exchange carrier or an electric, gas, water, or other public utility, and who owns or controls poles, ducts, conduits, or rights of way used, in whole or in part, for any wire or cable communications [ORD 4312; June 2004]

Utility Stations or Installations. [ORD 4058, August 1999] Installations, stations or substations which provide electrical, gas, steam, water or other utility services. This Use Classification includes, but is not limited to: sewer or water supply installations, water conservation or flood control installations, or other similar uses.

Utility Transmission Lines. [ORD 4058, August 1999] Transmission lines for sewer, water or other utilities.

Vegetation. Any woody, perennial plant, deciduous, evergreen or coniferous which is not defined as a tree.

Vehicle Repair. The general repair, alteration, rebuilding, maintenance or reconditioning of vehicles, including motor, body, frame, upholstery, interior or paint work.

Vehicle Sales, Lease Or Rental. [ORD 4058, August 1999] The sale, lease or rental of new or used automobiles, boats, motorcycles, or other motorized vehicles that require a license or registration to own or operate. This Use Classification includes, but is not limited to: Car Rentals, Auto Dealerships, Dealerships, Auto Sales, Vehicle Sales Lots, or other similar uses.

Vehicle Sales Lot. A lot used for display, sale or rental of new or used vehicles, including, but not limited to, automobiles, boats, trailers and recreational vehicles.

Volume. [ORD 4203; May 2004] The number of persons or vehicles passing a point on a lane, roadway, or other traffic-way during some time interval, often one hour, expressed in vehicles, bicycles, or persons per hour.

Volume-to-Capacity Ratio. [ORD 4203; May 2004] The ratio of volume to capacity for a transportation facility.

Walkway. [ORD 3965, October 1996] A hard surfaced area intended and suitable for use by pedestrians.”

Wall, Exterior. [ORD 4139; January 2001] A vertical architectural member used on the exterior of a building that extends from finished grade level to the eave of a sloped roof, or the top of a parapet. In the case of a sloped roof without eaves, the lowest portion of the roof shall be the top of the exterior wall.

Wall Sign. A sign attached to, erected against or painted on an exterior wall of a building. [ORD 4139; January 2001]

Wholesale. The bulk sale of goods generally for resale to a person other than the direct consumer.

Window Sign. A sign not exceeding twenty percent (20%) of interior window area per window.

Windthrow. [ORD 4224; August 2002] A tree or trees uprooted or felled by the wind.

Wireless Communication Facility (WCF). [ORD 4248; April 2003] A non-staffed facility for the transmission of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet or other enclosed structure housing electronic equipment; a support structure; and antenna systems or other transmission and reception devices. This includes cellular towers, cellular antennas, satellite dishes, and microwave dishes.

Wireless Communication Facility, Attached. [ORD 4248; April 2003] A wireless communication facility that is affixed to an existing structure, e.g., an existing building wall or roof, utility pole, and water tank.

Wireless Communication Facility, Incorporated. [ORD 4248; April 2003] A wireless communication facility that is incorporated within or concealed behind existing or new architectural features of buildings or structures.

Wireless Communication Facility, Towers. [ORD 4248; April 2003] A structure, tower, pole or mast solely dedicated to support one or more wireless communications antenna systems. For the purpose of this Chapter, such a support structure will be referred to generically as a “tower”. Tower types include:

1. “Guyed tower”. A tower that is supported by use of cables (guy wires) that are permanently anchored to the ground.
2. “Lattice tower”. A tower characterized by an open framework of lateral cross-members that stabilize the structure.
3. “Monopole”. A single, upright pole, engineered to be self-supporting and requiring no guy wires or lateral cross-members.

Yard. A required open space on the same lot with a principal use unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, other customary yard accessories, ornaments and furniture or other allowed accessory structures or uses may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front. A required open space extending the full width of the lot between a building and the front lot line or reservation line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.

Yard, Rear. A required open space extending the full width of the lot between a building and the rear lot line or reservation line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance. [ORD 4071; October 1999]

Yard, Side. A required open space extending from the front yard to the rear yard between a building and the nearest side lot line or reservation line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance.